

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

D.B.,)
)
Plaintiff,)
)
vs.) No. 4:12-CV-00654-JAR
)
ST. CHARLES COUNTY,)
MISSOURI; and, JASON KING,)
)
Defendants.)

VOLUME II

Deposition of JASON KING
Taken on behalf of the Plaintiff
May 29, 2013

Reporter: Debra L. Burris
IL License No. 084-004545 * MO License No. 789

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It is hereby stipulated and agreed that the continuation of the deposition of JASON KING was taken on the 29th day of May, A.D., 2013, between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon at the office of The Ryals Law Firm, P.C., 3120 Locust Street, St. Louis, Missouri 63103, before Debra L. Burris, Certified Shorthand Reporter, in a certain cause now pending in the United States District Court for the Eastern District of Missouri, Eastern Division, wherein D.B. is Plaintiff and St. Charles County, Missouri, and Jason King are Defendants.

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APPEARANCES

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By: Beverly Temple, Esq.

* * * * *

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CERTIFIED QUESTIONS

Page 89:

Q. Who offered you tickets for taking care
of a DWI?

Page 89:

Q. What supervisor came and asked you if
you cared that the DWI disappeared?

EXHIBITS

(No exhibits marked.)

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IT IS HEREBY STIPULATED AND AGREED by and between Counsel for the Plaintiff and Counsel for Defendants this deposition may be taken in shorthand by Debra L. Burris, a Certified Shorthand Reporter and a Notary Public, and afterwards transcribed into typewriting.

o-O-o

JASON KING,
of lawful age, being produced, sworn and examined on the part of the Plaintiff deposes and says:

EXAMINATION

QUESTIONS BY MR. RYALS:

Q. Mr. King, thanks for coming back. As I told you in the last depo I'm going to try to move this thing along and get done as quickly as possible. One of the areas I wanted to visit with you about today was you were previously assigned to the drug task force, is that correct?

A. Yes.

Q. And help me remember, when was that?

A. I'm thinking 2004 to maybe 2006, roughly.

1 Q. Now, in my mind's eye that means you
2 were undercover, plain clothes, long hair, beard,
3 you know --

4 A. Correct.

5 Q. -- so you would blend in with the people
6 you encounter in the drug trade?

7 A. Correct. Correct.

8 Q. And that was one of those we talked
9 about specialized units like SWAT and interdiction
10 and fugitive. Was the drug task force a
11 specialized unit as well?

12 A. Yes, it was.

13 Q. How did you apply for or get selected
14 for that?

15 A. Well, the opening came up and I just,
16 you know, put a written memo in saying that I
17 would like to be considered. My track record up
18 until that time showed that I was specializing in
19 drugs. Right as I got -- I got the Deputy of the
20 Year -- American Legion, St. Charles American
21 Legion Deputy of Year. I got nominated before I
22 got in the drug unit. When I was in the drug unit
23 was when I actually received that award. So I
24 just basically had shown that I had a knack for
25 finding drugs and dealing with drugs. So I got

1 the job.

2 Q. So you'd been on the St. Charles County
3 for how long at that point?

4 A. I think roughly three years maybe.

5 Q. Yeah. All patrol before that?

6 A. Correct.

7 Q. And even though you were a parole
8 officer you were active in making your own case,
9 so to speak, self-initiated activity and it was
10 focusing on the drug trade?

11 A. Correct.

12 Q. When you applied I take it there was
13 some sort of posting that let people know that
14 there was a job opening there?

15 A. Yes.

16 Q. When you applied do you recall to whom
17 you gave your application?

18 A. I don't. I don't recall.

19 Q. That unit had a chain of command, is
20 that correct?

21 A. Yes.

22 Q. Where were you in the pecking order;
23 were you a -- what was your title, investigator or
24 were you a supervisor or what?

25 A. When I initially went in, there was the

1 drug unit commander, the drug unit secondary or
2 sergeant or supervisor. The way they ran it was
3 that it was a rotating commander spot; and if the
4 St. Charles County drug commander was in charge,
5 then one of the other departments would have a
6 sergeant, a supervisor in there. If then it
7 rotated where they were the drug unit commander,
8 then County always had a supervisor in there. So
9 then the sergeant would be County at that point.

10 Q. Okay.

11 A. There were seven of us, I think seven
12 detectives that were in there. I was actually on
13 a MoSMART grant, Missouri Sheriff Methamphetamine
14 Relief Team, which actually was a grant that I was
15 on to combat methamphetamine. As far as pecking
16 order, I was pretty much the only person in the
17 drug unit designated to combatting
18 methamphetamine.

19 Q. But had the title detective?

20 A. Detective, correct.

21 Q. The drug unit commander, when that
22 person was a St. Charles County employee, did that
23 person always have the same rank as every other
24 person who had that --

25 A. When I initially got -- when I got in

1 there I believe it was there were lieutenants that
2 were actually the drug unit commander; but when I
3 first got in the unit there was, I think it was
4 Sergeant Growich from O'Fallon who was the
5 commander. He is now a lieutenant. Typically
6 they want a lieutenant being commander, but it
7 doesn't always have to be a lieutenant.

8 Q. But when you were St. Charles County
9 people they were always lieutenants or above?

10 A. Correct. Lieutenant Melton, then I had
11 Lieutenant Tiefenbrunn.

12 Q. Now, as you described this task force
13 work, it strikes me as being different, your
14 account, than when you were on the power squad in
15 that when you were on the drug task force you
16 weren't answering calls for service, you were just
17 working drug cases?

18 A. Correct.

19 Q. Probably had your own protocol as far as
20 reporting and roll call and all of that?

21 A. Correct.

22 Q. And when you became a drug task force
23 detective did you have to get -- strike that --
24 did you receive any specialized training to do
25 that job?

1 A. Yes.

2 Q. Was that particular to your work in
3 faring out meth labs?

4 A. Some of the training was just consistent
5 with just being a detective in the drug unit, but
6 obviously I received additional training that was
7 not methamphetamine specific.

8 Q. All right. Now, at any other time
9 during your tenure with the St. Charles County
10 Sheriff's Department did you, as part of an
11 assignment did you receive any kind of specialized
12 training similar to the fact that you got
13 specialized training to be in the drug unit?

14 A. Other than the continuing ed. like
15 interdepartmental training that we received, it
16 was, you know, Mace oriented, firearms. Any other
17 training that I got was some that I requested to
18 get through St. Louis County, St. Charles County
19 Academy's, you know, sexual assault
20 investigations, missing persons investigations.
21 Those are all things though that I sought out.
22 How to become a supervisor. Instructor
23 development so I could be an instructor at the
24 police academy. I never did actually instruct,
25 but I had the certification to do that. But those

1 are the things I sought out to do.

2 Q. Okay. I don't think we covered this.
3 When you're a law enforcement police officer in
4 Missouri post police officer standards of training
5 requires X number of hours every three years,
6 correct?

7 A. Correct.

8 Q. Continuing ed. training?

9 A. Correct.

10 Q. And those are broken down into blocks?

11 A. Correct.

12 Q. So every police officer in Missouri is
13 supposed to get X number of hours of firearms
14 training every three years?

15 A. Correct.

16 Q. And training on the law every three
17 years?

18 A. Correct.

19 Q. Okay. You received all of that
20 training, you were current as far as you know?

21 A. Correct, yes.

22 Q. But then what I hear you tell me was
23 that you also sought training that wasn't required
24 by post?

25 A. Correct.

1 Q. And by saying that you sought it, you
2 were not either invited to or required to attend
3 that training, it was not required by post,
4 correct?

5 A. Correct.

6 Q. Did you ever ask for any training that
7 the sheriff's department did not provide for you?

8 A. I believe maybe there was some courses
9 that I put in for that I did not receive, but I
10 can't recall exactly what those might have been or
11 would have been.

12 Q. All right.

13 A. Whether they declined them for whatever
14 reason, manpower issues, where the location of the
15 training may have been; I can't recall.

16 Q. They weren't sending you to Hawaii for
17 --

18 A. Yeah, Arizona, whatever. So --

19 Q. Okay. You of course completed your,
20 back when you went through the academy, what was
21 it, 800 hours?

22 A. 800 and, what was it, 840 -- 840 hours.

23 Q. Yeah. You completed that, passed all
24 the examinations to become certified as a police
25 officer?

1 A. Yes.

2 Q. And then we talked about the continuing
3 ed. that you completed while you were a police
4 officer. And I take it that applied throughout
5 your career at other agencies?

6 A. Correct. Correct.

7 Q. With regard to your tenure at
8 St. Charles County, was there ever any training
9 that you felt you needed to perform your duties as
10 a police officer that you didn't get while you
11 were at St. Charles County?

12 A. And that's a good question. I'm just
13 kind of -- I don't know if I can think of anything
14 at this particular moment that I can think of
15 that, you know. Certainly things like I said I
16 would have liked to have expanded out on, but as
17 far as being able to do my job, I don't know. I
18 mean pretty much the basics is what you're taught,
19 the firearms, you know, the Mace, the -- you know.

20 Q. Yeah. You know, of course, a police
21 officer has to have a broad range of knowledge and
22 a lot of different -- I mean, from not only
23 martial skills, firearms, Mace, expandable baton,
24 shotgun, empty-handed control; but you also have
25 to understand the limits of the law, right?

1 A. Correct.

2 Q. You have to understand techniques for
3 investigation, right?

4 A. Correct.

5 Q. And that's just to name a few of the
6 things, skills that you have to have?

7 A. Correct.

8 Q. The thought in my mind when I asked that
9 question was going more to as an example perhaps
10 you made an arrest, okay -- and this is purely
11 hypothetical, okay?

12 A. Okay.

13 Q. But you make an arrest and later it
14 turns out that for some reason the arrest was
15 unlawful, it was without cause or the search was
16 bad or something. That's what's in my mind when I
17 ask you if you thought that you could or should
18 have received better training but you didn't. It
19 may have arisen from a situation like that where,
20 you know, you did what you thought was right, but
21 if you had been better trained you would have
22 understood I shouldn't have done that. Am I being
23 clear?

24 A. You are. And I thought about that when
25 you just initially asked me the question, is, you

1 know, knowing the law inside and out, once again
2 of all the things of the totality of everything we
3 had to know in making a split-second decision,
4 certainly, yes, there was times when we did things
5 when we would, you know, have after-actions report
6 what we would call them and basically get together
7 and say hey, what happened here, what did you do,
8 you know, should you have done that, should you
9 have done that; or, you know, hey, there was even
10 times as deputies we would say hey, can we --
11 what's -- can I do this or this or can I write
12 this person a ticket for this incident, you know,
13 whether it was motor scooters or just little
14 things that would come that we, you know, like I
15 said, we were unaware or, you know, the deputy
16 working the street would say hey, I forget what's
17 going on with that, is that just a county thing or
18 can we write it under a state order. So certainly
19 I would say as laws go probably the primary thing
20 is like you said what can I do, what can I not do.
21 As far as guns and the Mace and all those types of
22 things, like I said, those were hammered home.
23 Those were just, you know, things that just were
24 routine, whatever. But when it came to the law
25 and applying each situation differently, those

1 were the ones where, like you said, making that
2 split decision of searching a car or towing a car
3 or whatever the case may be where it was kind of
4 touch and go maybe.

5 Q. Yeah, sure. As you talk through it can
6 you think of any incidents like that?

7 A. Well, I mean only the one that you were
8 part of before which I was involved with where,
9 you know, like I said the deputy at the front of
10 the house, deputy at the back of the house, you
11 know, deputies at the front made entry. You know,
12 whether that was -- you know, once again, I forget
13 the whole ramification behind that; but they made
14 entry, so we were going on the premise that they
15 made the entry, so, you know, as deputies we're
16 going to follow in behind under good faith that
17 they had something, they're doing the right thing.
18 We had a subject come out the back window, go back
19 in the house. So obviously we had some sort of
20 visual on a possible suspect coming in the house
21 and then back into the house. So something like
22 that I would say that was -- I mean that would
23 come to mind obviously because it turned into
24 something and became an incident.

25 Q. Yeah. And of course it became a

1 lawsuit?

2 A. Correct.

3 Q. But what I'm interested in knowing about
4 that particular, now that you've mentioned that
5 specific incident, internally how was that
6 handled? And I'm going to presume that any
7 privilege between you and your counsel would still
8 attach, okay? So I'm not asking for discussions
9 you had with your lawyers. But back to when you
10 talked about the after-action report, can you tell
11 me what, if anything, occurred internally as a
12 result of that incident?

13 A. There was times when let's say somebody
14 might do something that may have not, maybe on the
15 cuffs of violating policy or just something they
16 didn't like or whatever and there would be a memo
17 put out or a memorandum saying, you know, a
18 reminder that we will not do this, this, and this.
19 Or in our shift meetings, our 15-minute meetings
20 we would have twice a week, obviously it might be
21 discussed, hey, this is, you know, just a reminder
22 we're not going to do this, we're not going to do
23 that. Pretty much just that.

24 Q. And do you specifically recall after the
25 incident it was -- I'm trying to think of my

1 client's name.

2 A. Yeah, I don't recall it either.

3 Q. It'll come to me. Following that
4 incident do you recall any memos or meetings or
5 discussions?

6 A. I mean, I don't know if we talked about
7 it the last time. The only thing with that
8 incident was because it was multiple deputies
9 involved, once again we turned our reports in and
10 mine was the only report that wasn't given back to
11 let's say readjust so to speak.

12 Q. And I want to make sure that the record
13 is clear on this point. You had multiple
14 deputies, therefore multiple deputies writing an
15 account?

16 A. Correct.

17 Q. And your belief is that everyone but you
18 was given their report -- their report was
19 returned to them with some sort of direction or
20 suggestion about changes to the report?

21 A. Possibly, yeah.

22 Q. And are you saying that the reason that
23 those reports were given back to the other
24 deputies had to do with the way they wrote the
25 justification or they wrote --

1 A. Once again --

2 MS. TEMPLE: Objection, calls for
3 speculation.

4 MR. RYALS: I know it does. Go ahead.

5 A. Once again I wasn't, you know, not privy
6 to -- you know, once again I just know that, you
7 know, your reports are not written as an exact
8 account, they're just, they're meant to be a
9 refresher for the events that took place for you
10 to recall those at a later time. You try to write
11 them as accurate as possible; but once again,
12 that's why, you know, you use times at
13 approximately whatever because you just can't
14 exactly put the time. So, you know, that was it,
15 I just know that some of the deputies were maybe
16 given suggestions to make them be a little bit
17 better as far as how they sounded moving forward.

18 Q. (By Mr. Ryals) And where would that
19 have come from, the sergeant or lieutenant or
20 above; do you know?

21 A. I have no idea.

22 Q. Anything else from that incident, memos,
23 discussions, anything that we haven't talked
24 about?

25 A. Huh-uh.

1 Q. No?

2 A. No. Sorry, no.

3 Q. Sean Johnson.

4 A. Yeah, sounds like that's it.

5 Q. All right. We were talking before about

6 your time on the drug task force, and you -- at

7 one point you were separated from that job,

8 correct?

9 A. Yes, correct.

10 Q. And when that happened did you go back

11 on the road?

12 A. Yes.

13 Q. When you went back on the road did you

14 go back working the power shift?

15 A. I believe so. The sheriff basically

16 said you're going back to the road, pick whatever

17 shift you want, whatever. So I believe I picked

18 the power -- I believe I picked the power shift

19 when I came back.

20 Q. All right. The sheriff being?

21 A. Sheriff Neer.

22 Q. You had a conversation with him?

23 A. Correct.

24 Q. Was there some event that preceded you

25 separating from the drug task force?

1 A. Yeah. In the same week that I was
2 removed, Paul West at the time, he was a
3 St. Charles City lieutenant, was running the drug
4 unit. Paul West called me into the office and
5 asked me -- I was getting ready to finish --
6 typically your time with the drug unit lasted two
7 years and they could extend you beyond that.
8 Well, he called me and asked me if I would like a
9 third year, he'd like me to stay. So I obviously
10 said yes, I would like to stay. While at home on
11 my own time I was mowing the grass. Our drug unit
12 cars, our vehicles were basically our personal
13 vehicles that we could use to drive wherever. I
14 got in my issued drug unit truck to go get gas for
15 my mower. I was leaving my neighborhood and a car
16 like nearly almost hit me going through the stop
17 sign. I kind of got behind him, was honking, you
18 know, in kind of a semi police mode honking at
19 him, like, you know, whatever. They stopped on
20 the side of the road and stopped. I didn't -- I
21 pulled over also because I didn't want to go
22 around him and have this person get in behind me
23 and have some, you know, pursuit with him behind
24 me or whatever. So I kind of pulled over to see
25 what they were going to do. The driver jumped out

1 of the vehicle and immediately started hurriedly
2 walking back towards my truck. I reached for my
3 badge. I didn't have my badge in the truck. I
4 did have my issued hand gun from the St. Charles
5 County Sheriff's Department. I picked my gun up
6 holding it in a downward position and said I'm a
7 police officer, do not come back here. The
8 subject said okay. I said what are you driving
9 like a nut case for? He said, well, I almost ran
10 out of gas or whatever. So needless to say I dove
11 on, left the scene. I didn't call anybody. I
12 didn't tell anybody because to me it was a non
13 issue. I was then called in. I don't remember
14 who called me in, Paul West or the sheriff, I
15 don't remember which one, and basically St.
16 Charles City had written a report. In the report
17 the subject even said, the subject stated himself,
18 you know, stated that he was police officer,
19 identified himself as a police officer, did not
20 point any weapon at me or whatever. And at that
21 point I was pulled out of the drug unit.

22 Q. Did the sheriff inform you you were
23 being pulled out?

24 A. The sheriff even said I can -- his exact
25 words were I could fight the other chiefs on this

1 to keep you in, but it's not worth it, you know,
2 it's not, I don't want to do that battle right
3 now. So go ahead and come back to the department,
4 you're not in trouble, you're not getting written
5 up, you didn't do anything wrong, you can pick
6 whatever shift you want. And at that point I had
7 no other option except for to, you know, come back
8 to the department.

9 Q. Was that before or after the incident
10 with Mr. Johnson?

11 A. I don't recall. Probably would have
12 been after, but I don't know what year. I mean it
13 would have obviously been 2006 that that would
14 have taken place. I don't know when the Sean
15 Johnson incident took place.

16 Q. This is the first time you have
17 testified that you actually spoke to the sheriff
18 about some official matter, I mean to exclude
19 passing him in the hall and saying hello.

20 A. Okay.

21 Q. Were there any other occasions during
22 your tenure with the sheriff's department when you
23 had an interaction with the sheriff in a, for lack
24 of a better word, an official discussion?

25 A. Yeah. After I had gotten out of the

1 drug unit there was some goings on. Obviously I
2 had some very good friends that were still in the
3 drug unit and we were very close. And Lieutenant
4 Koch called me into the office one day and said --
5 once again not quoting him verbatim -- but there's
6 some stuff going on in the drug unit and the
7 sheriff said you need to steer clear, and just
8 left it open-ended, left it at that. So I don't
9 know how much time went by. It bothered me. So I
10 called, through the chain of command I called
11 Captain Kaiser and said I would like to speak with
12 the sheriff. Captain Kaiser wouldn't let me. He
13 said, well, you need to tell me what it's about.
14 I said, Captain Kaiser, no offense, I think it's
15 probably information you're not privy to, I don't
16 feel comfortable talking to you about it, I would
17 like to talk to the sheriff. He said no. I said
18 forget it. We hung up. I don't know if it was
19 the next day, two days later, Captain Kaiser
20 called me very angrily and said you can go talk to
21 the sheriff. So I went to the sheriff and I just
22 said hey, Lieutenant Koch called me in and said
23 there's something going on, you need to steer
24 clear. He just said I know you're good friends
25 with those guys, there's some stuff going on,

1 you're not involved, you weren't a part of it, you
2 weren't nothing, I just don't want you to get -- I
3 don't want you to get involved in it.

4 Q. Of course the natural next question is
5 what is it?

6 A. There may have been -- there was -- when
7 I got out of the drug -- this is going to turn
8 into a big, long story. Sergeant -- we were on a
9 -- I forget her name now. It was a female officer
10 from O'Fallon who was going to marry a sergeant in
11 O'Fallon. We were on a stakeout in Wentzville. I
12 saw her pull up, meet a different officer from
13 O'Fallon and leave the area together. She was
14 going to get married within a couple of days.
15 Sergeant Koester who was there with us, he was a
16 drug county sergeant, he was in the drug unit with
17 me, he had an incident many years ago where
18 Sergeant Bush who's no longer at the department,
19 he's with the secret service I believe, he was
20 Koester's sergeant at the time. And while he
21 would -- he would purposely put Sergeant Koester
22 at the other end of the county away from his
23 house, and he was going to Koester's house and
24 having sex with his wife. So -- and basically he
25 got on with the secret service. The county

1 protected him because his dad is Sergeant Bush who
2 is --

3 MS. TEMPLE: Objection, that calls for
4 speculation.

5 A. Sergeant Bush who's at the range, he's
6 -- his half brother, Lieutenant Wilson, used to be
7 there. He was a big SWAT team member. He's no
8 longer there. He went to run some private
9 security company or whatever. But they had
10 basically a connection, a high connection there.
11 So they covered him. He ended up getting on with
12 the secret service. They said good things about
13 him, and the secret service called, whatever. So
14 because of this, Sergeant Koester had been through
15 this before. He's like what do you think I should
16 do? And I'm like you need to call -- you know, I
17 would make a phone call. You've been through this
18 before, so whatever. So needless to say he made
19 that phone call. That stirred up a little drama.
20 When I got in the drug unit, that female then got
21 in the drug unit. There was another county female
22 that got in the drug unit. Basically there was
23 some perjury in the grand jury where they lied
24 about drug use prior to becoming a police officer.
25 Another drug task force officer got on the stand

1 and basically refuted them saying they hadn't used
2 drugs prior to becoming a police officer.
3 Basically the grand jury had to be disbanded.
4 Numerous people were pulled out of the drug unit.
5 I think Becky Shaffar was reprimanded at the
6 prosecutor's office for even bringing it up and
7 moved to a lower position. And I don't know if
8 that was the incident which the sheriff was
9 talking about. I know that happened. There was a
10 couple other incidences, but I don't really have
11 the particulars on them what happened there, but
12 basically there was a bunch of stuff going on
13 right about that time.

14 Q. (By Mr. Ryals) If you don't have
15 particulars, what did you hear?

16 A. I don't recall. Involving non
17 St. Charles County deputies is what I believe.

18 Q. I want to make sure I understand the
19 Koester/Bush incident. Koester was having sex
20 with Bush's wife?

21 A. No, Koester was just a deputy at the
22 time, and Sergeant Bush was his sergeant, and he
23 was purposely putting him at the other end of the
24 county. Koester lived in St. Charles City, so I
25 think he was putting him out in New Melle,

1 Augusta.

2 Q. And then Bush would go to Koester's --

3 A. To his house, correct, on duty; correct.

4 Q. And who became a secret service man?

5 A. Sergeant Bush, correct.

6 Q. And the incident that you observed on
7 the stakeout, was that a similar --

8 A. Like I said, it was an O'Fallon -- it
9 was an O'Fallon female officer. It involved
10 O'Fallon police officers, but the problem was,
11 like I said, after we had ended up basically
12 calling the sergeant she was supposed to marry in
13 a couple days, and basically that whole
14 relationship dissolved. She ended up getting in
15 the drug unit. And I remember having a
16 conversation with Paul West, you know this is
17 probably going to cause some issues bringing her
18 in the drug unit when we're the ones that
19 basically informed, you know, on her that she was
20 whatever. So --

21 Q. The whatever being she was seeing --

22 A. Possibly seeing somebody, yeah, seeing
23 this other officer, or whatever, from O'Fallon.
24 And I think they ended up getting -- they ended up
25 getting married. Like I said, I knew that would

1 cause problems. And I remember, like I said,
2 having a personal conversation with Paul West, you
3 know this is going to cause problems. Once again,
4 then I was pulled out, and like I said, apparently
5 there just started becoming some issues in the
6 drug unit.

7 Q. The other things that you heard about
8 involving non St. Charles County deputies --

9 A. Right.

10 Q. -- whatever those things might have
11 been, those deputies -- strike that -- those
12 officers would have been supervised by at least
13 one St. Charles County supervisor?

14 A. Correct. I believe it would have been
15 Sergeant Koester.

16 Q. Kestor or Kesterer?

17 A. K-o-e-s-t-e-r, Koester.

18 Q. After you had the conversation with
19 Sheriff Neer about the stuff going on in the drug
20 unit that you needed to steer clear of, are you
21 aware of any changes that happened in the drug
22 unit?

23 A. Well, like I said, the thing happened
24 with the grand jury.

25 Q. That stuff?

1 A. Yeah. People were pulled out. Grand
2 jury was disbanded. Becky Shaffar to my knowledge
3 was reprimanded to some degree, put in a lower
4 position. I think at the time she was the head
5 assistant prosecutor at St. Charles County and
6 then was put into a different position or
7 whatever.

8 Q. Does the drug unit still exist or did it
9 when you left?

10 A. Yes.

11 Q. So it didn't get disbanded, it's just
12 there was a shake-up?

13 A. Shake-up of, right, personnel.

14 Q. The chain of command in the drug unit
15 beyond the lieutenant, whether it's St. Charles
16 County or an outside agency, did that go up
17 through the St. Charles County Sheriff's
18 Department?

19 A. No. Actually in most big counties it
20 works like that, but in St. Charles County the
21 chiefs and the sheriff and Jack Banas or whoever
22 the prosecutor is sit on a panel that oversees, or
23 a board that oversees the drug unit. And so
24 basically the drug unit commander basically
25 reports directly to the board. They have a, I

1 don't know if it's a monthly meeting. I think
2 they have a board monthly meeting where the drug
3 unit commander will go and meet with all the
4 chiefs and the sheriff and the prosecutor. That's
5 how it operated when I got out.

6 Q. I want to talk to you about the incident
7 that gave rise to this suit now.

8 A. Okay.

9 Q. And the event occurred November 14th of
10 2007, does that sound right?

11 A. Sounds correct.

12 Q. The plaintiff is identified by her
13 initials D.B. You know who that refers to,
14 correct?

15 A. Correct.

16 Q. And I take it at some point you read the
17 complaint, the pleading that was filed, correct?

18 A. Correct.

19 Q. Were you on duty on that day?

20 A. Yes.

21 Q. You were a patrol officer on duty?

22 A. Yes.

23 Q. And you had an encounter with the person
24 identified in the pleading as D.B.?

25 A. Yes.

1 Q. And did the encounter occur as a result
2 of a, or as part of a traffic stop?

3 A. Yes.

4 Q. Where did the traffic stop occur?

5 A. It actually happened, I actually stopped
6 her on Highway 40 eastbound east of Highway 94.
7 The infraction happened on the overpass of Highway
8 94 getting onto 40 eastbound.

9 Q. What infraction occurred?

10 A. Multiple lane change from one side all
11 the way over to the other without using a turn
12 signal, rapid.

13 Q. So that would have in your estimation
14 been a violation of the traffic law?

15 A. Correct.

16 Q. Did it occur within St. Charles County?

17 A. As far as unincorporated or -- I mean it
18 happened in St. Charles County.

19 Q. That's a good point. The better
20 question is did it happen within the jurisdiction
21 of your authority, that is within your law
22 enforcement jurisdiction?

23 A. Correct. That was, I believe, Weldon
24 Spring I think is what that is. So, yes, that's
25 our area that we cover.

1 Q. It raises another question. As a
2 St. Charles County deputy what, if any, authority
3 did you have to enforce law within municipal
4 corporations that had their own police
5 departments?

6 A. I basically being a first-class county
7 deputy could write state tickets within anywhere
8 within the St. Charles County and the state
9 really.

10 Q. All right. So you had state law
11 enforcement powers everyplace in St. Charles
12 County?

13 A. Correct.

14 Q. So when you initiated the traffic stop,
15 is it accurate to say that her conduct may have
16 violated state law?

17 A. Yes.

18 Q. Is it accurate to say her conduct may
19 have violated the county ordinance as well?

20 A. Yes.

21 Q. And the county ordinance would have been
22 a source of law in the area where the offense
23 occurred?

24 A. Yes.

25 Q. What time of day or night did the event

1 occur?

2 A. Without reading the exact whatever, I
3 believe it was around 2:00, 2:30 in the morning.

4 Q. At 2:00 or 2:30 in the morning -- and
5 I'm not going to hold you to the precise moment --
6 but were you in the middle of a shift, beginning
7 of the shift, at the end of the shift?

8 A. End of shift.

9 Q. End of?

10 A. End of shift.

11 Q. Before you observed what you testified
12 you observed of the driver D.B., where were you
13 going?

14 A. Well, I had went to the bar. I believe
15 there was fight call or whatever, so we were
16 having numerous problems at the bar. I think I
17 talked about it last time, within the weeks prior
18 preceding this incident, Chris Hunt and I were
19 tasked to being in an undercover vehicle to go to
20 the bar to try to drum up leads, make cases,
21 whatever the case may be, because of the numerous
22 complaints we had at the bar, drug cases.

23 Q. That testimony before was about the same
24 bar that D.B. came from?

25 A. Yes.

1 Q. Okay. What's that place called, Monkey
2 Bar?

3 A. It's closed down now. Because of all
4 the numerous problems it's since been closed.

5 Q. It was called --

6 A. I believe the Monkey Bar, correct.

7 Q. Did you say that was a week before?

8 A. Within the weeks prior to that, like I
9 said in a week. And also some time prior to that
10 I also took place where I went down with the
11 detectives from the St. Charles County Sheriff's
12 Department to do a search warrant on the Monkey
13 Bar to try to retrieve video evidence of a
14 possible sexual assault, rape within the bar.

15 Q. Yeah. And I did not appreciate it was
16 the same bar. What were you and Deputy Hunt
17 tasked with doing?

18 A. Just -- once again just trying to see if
19 we could make cases. There was a lot of reports
20 that drug sales came from the bar. I believe the
21 Monkey Bar initially prior to coming out to
22 St. Charles County had been a bar down here in
23 St. Louis. There was complaints and kind of
24 similar type complaints as far as drug sales.
25 They were not -- their liquor license was taken

1 away from them. I don't know the particulars, but
2 I know they moved their operation out to Weldon
3 Spring. So we were obviously getting the same
4 complaints, multiple fight calls, a lot of DWIs
5 coming from the Monkey Bar. So we were just asked
6 to go down there to see what we could see, drum
7 up, whatever the case may be.

8 Q. Were you and Deputy Hunt in plain
9 clothes?

10 A. I don't recall.

11 Q. On the night when you encountered D.B.
12 were you in plain clothes?

13 A. No, I was in inform.

14 Q. Fully marked car?

15 A. Fully marked car in uniform, correct.

16 Q. So you had been to the Monkey Bar that
17 evening on a call?

18 A. Correct.

19 Q. Call for service?

20 A. Correct. Multiple deputies showed up.

21 I think it was a fight call, so we all showed --
22 you know, we just all go just to make sure we, you
23 know, squash whatever the problem may be.

24 Q. Did that call conclude?

25 A. I don't know. I think deputies were

1 still -- the deputies that were initially tasked
2 with the call I think were still staying around to
3 just kind of get everybody out of the parking lot,
4 just to remain present. I think myself and some
5 other deputies left the scene just because at that
6 point we weren't needed.

7 Q. I see. I take it then it was not your
8 call, you were an assist?

9 A. Correct, that I recall. That I recall.

10 Q. Well, it stands to reason you wouldn't
11 leave if it was your call?

12 A. Correct, right.

13 Q. Where did you go after you left the
14 Monkey Bar?

15 A. Beings it was getting towards the end of
16 the shift, I was going to make my way home going
17 94 to 40 towards the O'Fallon area.

18 Q. I don't want to ask where you live, but
19 the direction that you were traveling when you saw
20 D.B., what you described of her actions, were you
21 on the route that would take you home?

22 A. Yes.

23 Q. So at the time you saw D.B. is it
24 accurate to say you were going home?

25 A. Correct, yes.

1 Q. Your shift was actually over or at
2 least --
3 A. Getting ready to be over, over, yes.
4 Q. And you talked about how you go on duty
5 from your home. Same protocol apply when you go
6 off duty, you drive to your home and say I'm off
7 duty?
8 A. Correct.
9 Q. Until you get there you're still on
10 duty?
11 A. Correct. Because on the way home
12 something could happen.
13 Q. All right. When you left the Monkey Bar
14 did you drive in a continuous route moving toward
15 your home or did you stop somewhere?
16 A. You know, I don't recall. I remember,
17 like I said, there were several cars that were
18 leaving the area that I'm, you know, just once
19 again trying to make sure the people are sober and
20 driving correctly and not going to cause an
21 accident or whatever. So when I noticed her
22 vehicle at one point it came to the point where it
23 was just kind of us two traveling towards 94 and
24 40. So it was just -- at that point it was just,
25 you know, that was pretty much the only car that I

1 was within sight of.

2 Q. You didn't stop anywhere else and
3 surveil the scene or anything?

4 A. You know, I may have. I don't recall
5 that.

6 Q. Do you recall seeing D.B. before she got
7 in her car?

8 A. I don't -- I don't believe so, no.

9 Q. Do you recall -- as you were driving
10 towards your home do you recall knowing whether
11 she had come from the Monkey Bar or not?

12 A. The car, you know, because we was in the
13 parking lot obviously, the car was in front of me
14 and we were leaving the Monkey Bar.

15 Q. You saw her leave the Monkey Bar?

16 A. Correct. The car was leaving the
17 parking lot of the Monkey Bar.

18 Q. Did you have any intention to follow
19 her?

20 A. No.

21 Q. In the car that you were driving the
22 night you encountered D.B., did you have the
23 ability to make any recordings, either video,
24 audio, or otherwise?

25 A. No, I did not.

1 Q. And I take it from that answer you did
2 not carry a hand-held recorder either?

3 A. No.

4 Q. Have you ever?

5 A. No.

6 Q. And the car was not equipped with a
7 video camera, is that correct?

8 A. Correct. And I don't even know -- bear
9 with me, I don't even know if it was against
10 policy to have a recorder unless you were issued
11 one. I don't know, but I think there may have
12 been a policy that said you couldn't have one
13 unless you were -- later on when the DWI unit
14 started getting the cameras where the activation
15 of the audio and the video would take place
16 immediately on a traffic stop. But I think
17 initially when I first got there, I think there
18 may have been a policy I believe that said you
19 couldn't even have one. I don't know.

20 Q. When you observed what you described of
21 her driving, you initiated a traffic stop, is that
22 correct?

23 A. Correct.

24 Q. And to put a point on it, to accomplish
25 that you turned on your lights, your overhead

1 emergency lights, correct?

2 A. Correct.

3 Q. Maybe a siren, maybe not?

4 A. Yeah, correct.

5 Q. Did she pull over immediately?

6 A. I don't recall what her -- you know,
7 within, yeah, within a good amount of time.

8 Q. All right. I mean there was nothing
9 about her actions after the lights went on that
10 raised your suspicion?

11 A. Right. As far as a pursuit or anything
12 like that, no. But as far as her actions, as far
13 as whether she straddled the line or pulled over
14 slow, I don't recall.

15 Q. Okay. So as far as you know there's no
16 recording of your encounter with her?

17 A. As far as I know, yeah.

18 Q. When you initiated the traffic stop or
19 when you actually came to a stop or sometime in
20 between, did you make a radio call?

21 A. I did not.

22 Q. Why didn't you make a radio call?

23 A. It actually was not uncommon for
24 deputies not to call out on traffic stops. I know
25 they were supposed to, for safety purposes you're

1 supposed to call out. Whether you thought someone
2 had drugs and you wanted to get out of the car
3 quickly, you know, to get up on somebody before
4 they had a chance to kind of think about what they
5 were doing, or the radio was busy with people
6 already on the radio and so you didn't want to sit
7 there, once again depending on what type of night
8 it was or who you were pulling over, so it wasn't
9 uncommon. I was pretty good about it, but it
10 wasn't uncommon for me or other people I worked
11 with not to call out initially on the traffic
12 stop.

13 Q. Did you ever call out?

14 A. No, I did not.

15 Q. Do you know if it's department policy
16 that you shall call out when you --

17 A. Once again, I don't know if it was
18 policy or not. I mean, obviously they frowned
19 upon it. But supervisors alike, there was
20 multiple people that we just didn't call out all
21 the time.

22 Q. I want to -- I want to talk about that
23 just a bit. I think I may have asked you before
24 whether there's in your experience with
25 St. Charles County whether there are things that

1 you do day to day that are directed by policy.
2 And then there might be things that are not
3 directed by policy but become just common practice
4 or habit. And when you tell me that it was not
5 uncommon for deputies not to call out --

6 A. Right.

7 Q. -- and I'm going to make a leap and
8 assume that that was contrary to policy, that it
9 probably was.

10 A. Okay.

11 Q. But I may be proven wrong. That is
12 something, that is the enforcement of that rule
13 you shall call out, is something that the
14 supervisors up through to including the sheriff
15 could have enforced if they wanted to; is that
16 correct?

17 A. Correct.

18 Q. We talked about the rumor mill and kind
19 of the close-knit society in your department. And
20 when you say it was not uncommon for deputies to
21 call out, is that just Jason King talking or is
22 that something that you believe was commonly
23 understood in the department?

24 A. No, I think it was pretty common
25 knowledge that, you know -- not all officers.

1 Like I said, maybe you'd call out 90 percent of
2 the time and then every deputy maybe 10 percent of
3 the time. Once again, depending on the situation,
4 the radio traffic, the nature of the stop, that
5 there was times when you made contacts with
6 individuals officially, not just hey, kids, here's
7 a quarter for lemonade, but you officially were on
8 an official stop or contact or whatever, but you
9 did not initially call out. You might call out as
10 you delve into the case or delve into the
11 incident, but, once again, supervisors alike,
12 there was plenty of times that I would, you know,
13 drive down location and see lights and pull up
14 behind one of my own supervisors on a traffic stop
15 and they never called out on the radio, you know.
16 So something I would do, hey, county I'll be out
17 with, you know, whatever DSN it was here at this
18 location, you know.

19 Q. Uh-huh.

20 A. That they initially didn't call out.

21 Q. To your knowledge in your experience
22 while you were with St. Charles County, was there
23 ever any effort on the part of the supervisors,
24 again from the sergeants up to the sheriff, to try
25 to enforce a rule that you shall call out every

1 time you initiate a traffic stop?

2 A. I think that as incidences occurred
3 they, you know, were more apt to hey, we need to
4 make sure we call out. It was more of a safety
5 issue, you know, just for your own safety so they
6 know where you're at. I mean it was talked about
7 several times, but up until the day I left it was,
8 there was still people not calling out on the
9 radio, to include captains. I mean, I knew, like
10 I said, Captain Kaiser in particular, he was well
11 known for coming out and being on a traffic stop
12 and somebody pulling up behind him and the
13 deputies even say did you call out -- or they
14 would call dispatch and say hey, did Captain
15 Kaiser ever call out? No, he never called out.
16 Okay, just wanted to know.

17 Q. Your cars were not equipped with GPS
18 tracking?

19 A. After I left I believe that some of
20 their -- like I said, some of them. Whether they
21 all are or some of them, I know that they were
22 talking about doing that, but I'm not for sure.

23 Q. Okay. From the time you stopped your
24 car until D.B. drove away, how much time elapsed?

25 A. 15 minutes, 15, 20 minutes. I'm not

1 exact on the time.

2 Q. When you left the scene of the stop
3 where did you go?

4 A. Home.

5 Q. When you got home or at some point along
6 the way did you make a radio call that you were
7 off duty?

8 A. When I got home.

9 Q. When was the first time that you had
10 knowledge or awareness that there was some trouble
11 or controversy over this traffic stop with D.B.?

12 A. I was off for four days after that
13 traffic stop, just normal days off. And I believe
14 the first day I came back I was immediately called
15 in on it.

16 Q. And when you say called in, what does
17 that mean, who called you in?

18 A. I came in the department. Sergeant
19 Ostemeier basically led me to Lieutenant
20 Tiefenbrunn's office who was the acting IA
21 lieutenant at the time, internal affairs
22 investigator at the time.

23 Q. Tiefenbrunn you said?

24 A. Correct.

25 Q. And what were you told?

1 A. He just immediately -- he just asked me
2 about the traffic stop, you know. And immediately
3 upon confirming I said yeah, you know, whatever.
4 His exact words were oh, I thought you were going
5 to lie about it. I said no, I'm got going to lie
6 about it, I got nothing to lie about.

7 Q. Can you detail the conversation beyond
8 just describing generically what was said?

9 A. I mean that was it. I didn't call out a
10 traffic stop, but I did run her through my
11 computer system for wants and warrants. So I knew
12 that was recordable data that I had ran her to
13 make sure she didn't have any wants or warrants
14 and make sure her license was valid. So like I
15 said, I knew that was recordable data that the
16 traffic stop, you know, that a contact had taken
17 place.

18 Q. But you said he asked you about the
19 stop?

20 A. He just immediately said, you know, this
21 complaint came in about this stop. You know, I
22 don't -- bear with me, I don't recall the exact
23 words. But I just immediately said yeah, I
24 stopped or whatever, here's my note pad with her
25 -- I had my note pad with all her information

1 written in the note pad, vehicle information like
2 I would normally do on a traffic stop. And he
3 just kind of was like wow! I go what? Because I
4 didn't think you would tell the truth, I thought
5 you were going to come in and lie about it. I
6 said why would I lie about it? I'm like it was a
7 traffic stop, I ran it through the computer. I
8 mean, like I said, I ran it through the computer.
9 I pulled out my notebook and said here's the
10 information right here in my notebook, I wrote it
11 all down. So at that point it was just I wrote my
12 statement.

13 Q. So you wrote a statement at that point?

14 A. Correct, yes.

15 Q. Was that voluntary or did they --

16 A. It's basically, yeah, it's basically if
17 you don't write it, then you're fired; or yeah.

18 Q. How long did that encounter take?

19 A. I don't recall. Not very long.

20 Q. And then did you leave that office and
21 go back to work?

22 A. Correct.

23 Q. What was the next encounter relative to
24 that traffic stop that you recall?

25 A. Bear with me. I don't remember. There

1 was so much stuff happening. By that point my
2 mind was mush. I don't know the sequence, but,
3 you know, I still had the drugs and evidence in my
4 patrol car. Tiefenbrunn knew that and never asked
5 for that evidence. He allowed me to drive around
6 in the car with that stuff still in the car. I
7 remember I was at home on my off time.
8 Tiefenbrunn showed up at my house unexpectedly,
9 took my patrol car to take it to -- you know,
10 which to me is a conflict of interest, but my IA
11 investigator took it to St. Louis County
12 investigators to have the car, you know,
13 processed. I told them prior to leaving, hey,
14 remember the drugs are in the car, whatever. He
15 drove away with the drugs and the evidence still
16 in the car, drove it to St. Louis County. Came
17 back and was still in the vehicle. I guess they
18 didn't see it, find it, or whatever. And then,
19 like I said, I don't remember where it went from
20 there. At that point just I was put on
21 administrative, you know, working the front desk.
22 And I don't know how long that went on for.

23 Q. And how was it that you -- and then you
24 were charged with a crime, correct?

25 A. Correct.

1 Q. When you were charged were you still
2 working -- strike that. After you were charged,
3 did you stay working?

4 A. I don't recall. I don't know what the
5 time frame was there.

6 Q. How is it that you came to be separated
7 from the department?

8 A. Sheriff Neer -- I basically had a
9 one-on-one conversation with Sheriff Neer who
10 pretty much said he was going to fire me. So he
11 allowed me to resign. So I typed up a resignation
12 letter and resigned from the department.

13 Q. Did he call you in?

14 A. I believe so. I don't recall, but I
15 believe so.

16 Q. He was going to fire you, he said I'll
17 permit you to resign?

18 A. Something to that effect, correct.

19 Q. And again was that before or after the
20 disposition of the criminal case?

21 A. Definitely before the disposition.

22 Q. Do you have any -- do you recall
23 anything else that was said in that conversation
24 with Sheriff Neer? Did he talk to you about the
25 incident or about you or about her or about

1 anything?

2 A. No. But like I said during the
3 investigation, like I said, I was not thinking
4 clearly, whatever.

5 Q. I'm sorry, what did you say?

6 A. Obviously during the investigation I
7 wasn't thinking clearly, I was a big wreck. But I
8 told you about how Greg Chross came to me in-house
9 and verbatim said what the complaint was. I even
10 called Tiefenbrunn, and Tiefenbrunn said I can
11 guarantee you that didn't get out. But basically
12 it got out through the detective bureau. So they
13 all knew about it. So my investigation was not
14 closed, it was open, open knowledge at that point.
15 I remember the -- bear with me, let me think about
16 it one second. I was even told that -- I was even
17 given information that at the time -- Lieutenant
18 Mateja was not in my direct line of supervision;
19 and per policy he should not have been in the
20 meeting with the sheriff. But because they wanted
21 to do a polygraph, I guess, with her or whatever,
22 that Mateja being the lieutenant over the
23 detective unit, St. Charles County Sheriff's
24 Detective Bureau, that he was brought in to my IA
25 meeting with the sheriff. I don't remember if

1 Captain Kaiser was in there. I don't remember if
2 Captain Hudson was in there, the administrative
3 captain. But Lieutenant Mateja was brought in.
4 So I know that I guess -- I mean, I was told that
5 Captain Kaiser came in and just said I want him
6 gone, I want --

7 MS. TEMPLE: I'm sorry, I didn't hear.

8 A. I was told that Captain Kaiser came in
9 to that meeting and basically wanted me gone, and
10 whatever. And the sheriff just kind of washed his
11 hands of it and didn't really -- I don't know if
12 he had anything to say one way or the other, I
13 don't know.

14 Q. (By Mr. Ryals) This is stuff you heard,
15 you weren't present at the meeting?

16 A. Correct. I was not present at the
17 meeting, no.

18 MS. TEMPLE: Here's where I object and
19 move to strike that it's hearsay.

20 Q. (By Mr. Ryals) But of course it has --
21 whether it happened or not, the fact that people
22 were relating information about what should have
23 been a private meeting was something that came to
24 you?

25 A. Correct, immediately.

1 Q. And did you have any allies in the
2 sheriff's department around this event?

3 A. I think -- I talked about this before.
4 Unfortunately all of my allies were either getting
5 messed with or in fear of getting messed with, you
6 know, had the boot taken to them already. And so
7 I really didn't have any schtick as far as -- I
8 already told you that, you know, Sheriff Neer,
9 Major Todd, Captain Kaiser, Lieutenant Koch, the
10 big wigs, the main supervisors that oversaw patrol
11 and the bureau or whatever were definitely not in
12 favor of me. The sheriff, I kind of really didn't
13 know whether he -- my thing is the sheriff just
14 basically let Todd, Kaiser, and Koch do whatever
15 they wanted. I don't know if Captain Hudson --
16 once again, Captain Hudson really didn't have much
17 to do with the patrol. He was an administrative
18 captain. Captain Simcox over the detective bureau
19 wouldn't have much conversations with him. I
20 think I was well liked among the peers and the
21 rank and file. But probably my only ally would
22 have been Lieutenant Martchink. But as far as
23 anybody with rank or --

24 Q. Do you think anybody tried to stand up
25 for you?

1 A. No. I mean I can only say no.

2 Q. You have no knowledge of it?

3 A. I have no knowledge of it. I mean
4 certainly people came to me or whatever; but like
5 I told you before, this is just typical at the
6 sheriff's department, that anytime you try to go
7 against anything that you don't believe in at the
8 sheriff's department, you can either pull out of
9 the unit in fear of getting pulled out of your
10 specialized unit, maybe not get promoted. People
11 got promoted because of possible grievances filed,
12 but, you know, they got promoted because of that.
13 So there was certainly always that fear of pretty
14 much that everybody kept to themselves and
15 basically let -- if there was somebody in trouble,
16 even if they didn't feel it was right, they pretty
17 much just let them go off by themselves.

18 Q. You made a statement earlier, something
19 about getting the boot. I take it that's a
20 colloquialism, but could you explain what it
21 means?

22 A. Well, I mean, just like I said, getting
23 written up, getting, you know, getting written up
24 for things -- like the same culture we talked
25 about before, where people got written up for

1 things that other people didn't get written up
2 for. So once again, if you weren't liked or you
3 spoke up or you may have been somebody who called
4 them on things repeatedly that they didn't like,
5 that once you gave them an opportunity to write
6 you up, they would take that to full advantage.
7 For example, after I left, Lieutenant Martchink
8 who I really respected, who I sat under his tenure
9 while I was under Lieutenant Martchink, I
10 flourished, never got written up, never got
11 written up for late reports. That's when I got
12 Deputy of the Year. He's the one that nominated
13 me for it. I was in the papers all the time.
14 After I left he was kind of a buffer between Koch
15 and Kaiser. They did not like Martchink.
16 Martchink obviously did not like them. After I
17 left the department -- well, another thing that
18 was kind of widely practiced is we started work
19 from our house. Well, a lot of guys would say
20 they were 1041 and still be in shorts and sandals
21 and basically supposed to be at work. But they're
22 not ready for work yet, but they're saying they're
23 ready for work. It all depends on if they lived
24 in the zone for which they worked, they could kind
25 of flub on leaving the house. You could go back

1 to your house and eat lunch, but guys would stay
2 at their house hours at a time and not be out,
3 whatever. Well, Captain Kaiser started following
4 Martchink around individually and he caught him at
5 his house when he said he was at the station or
6 whatever. And subsequently Martchink was made a
7 deputy and sent to the courthouse. But once
8 again, these are things that everybody did,
9 including Lieutenant Koch and including Captain
10 Kaiser, misuse of county vehicles going to Home
11 Depot and loading up wood in his county car when
12 that was not what the use of county vehicles are
13 supposed to be for.

14 Q. Who did that?

15 A. Captain Kaiser was known to use his
16 vehicle for personal use. So these are all things
17 that people, they all did and whatever, but
18 Captain Kaiser specifically went after Lieutenant
19 Martchink because once again Martchink was a
20 buffer for a lot of deputies who are hardworking
21 with the higher-ups and us.

22 MR. RYALS: May we take a break?

23 MS. TEMPLE: Yes.

24 (A break was taken after which the
25 following proceedings were held:)

1 Q. (By Mr. Ryals) We talked a little bit
2 about enforcement or lack of enforcement of a rule
3 that requires deputies to call out. And I'd like
4 to follow up with that discussion by asking if
5 there are any other policies, procedures,
6 practices or rules that were not enforced -- let's
7 leave it without qualifications, were not
8 enforced. And you know it occurs to me you talked
9 about deputies keeping evidence in their cars.
10 That was one of the things we discussed before.

11 A. Correct.

12 Q. Stuff like that.

13 A. Okay. Well, that's obviously big,
14 that's the one I'm going to start off with.
15 Evidence, you know, per policy is supposed to be
16 turned in prior to the end of your shift. Routine
17 evidence was kept in a deputy's car, maybe over a
18 weekend. And I know a deputy one time had
19 evidence in his car for three weeks prior to
20 turning it in. Certainly being at your assigned
21 duty station on time, you had to call out, you
22 know, 15 minutes prior. That 15 minutes gave you
23 that travel time to get to your assigned zone.
24 Once again, people would routinely lie about their
25 location prior to GPS saying hey, I'm here, but

1 they weren't obviously in that spot. You know,
2 personal, like I said personal, definitely the
3 personal vehicle use thing. There was a -- it got
4 to the point too where you were allowed to use
5 your vehicle to go like come to the station for
6 paperwork, even on your off time come to the
7 station to work out, to go to training, but any
8 time you were in your vehicle you had to be in
9 some sort of appropriate attire. So if you had to
10 stop and enforce traffic or whatever, then you
11 were presentable, that they knew you were police
12 affiliated, you were part of the sheriff's
13 department; you know, gun, badge, whatever the
14 case may be. That was, you know, we had an
15 incident where a SWAT team member traveling 70
16 westbound had left his handgun on top of his car.
17 And I guess he heard it hit the back of his car
18 and I guess realized oh, crap, and bounced down
19 the highway. He was out in the middle of
20 Highway 70 in the grass area looking for his gun
21 obviously not -- in sweat pants and a T-shirt.
22 Nobody knew he was a cop. Multiple people called
23 in and said hey, there's a county car out here,
24 there's a guy in the middle of the road walking
25 around. Somebody actually stopped and picked the

1 gun up, and luckily a citizen had wrote that plate
2 down and they were able to retrieve the gun at a
3 later time. It was all chewed up where it bounced
4 down the highway. But that's where people weren't
5 wearing the proper attire, that was a major
6 incident where we almost lost another handgun; and
7 then he wasn't in proper attire or whatever. You
8 know, the whole late report thing. Like I said, I
9 was written up for it numerous times, suspended
10 for it, actually went to a review board to fight
11 it and they reduced the days. Reports, you'd get
12 a report log on the late reports and there may be
13 80 late reports; but I was getting written up and
14 nobody else was getting written up. That was a
15 biggie. Your reports not being -- your DWIs had
16 to be turned in within three days. You know, for
17 the state sometimes, those obviously were late,
18 not turned in in the appropriate time.

19 I'm trying to think of anything else.
20 Like I said certainly being out of the area when,
21 you know, you're supposed to be in the area, being
22 at your house. You know, the big one too is, you
23 know, as cops, I mean, we like to party or
24 whatever, and, you know, numerous times going out
25 drinking with guns. You know, state law is you're

1 not supposed to be under the influence of alcohol
2 and be in possession of a firearm even if you're a
3 police officer. It's against state law. And
4 numerous times, you know, guns and drinking went
5 hand and hand at bars, and guns were pulled out
6 and guns were spun on tables. That happened quite
7 a bit too.

8 Q. Those events were common knowledge in
9 the department?

10 A. There was, you know, usually supervisors
11 present at the parties.

12 Q. You talked about reports being returned.
13 We talked about it last time and again today. Are
14 you aware of either because you were a witness to
15 it or you were told about it by a participant or
16 based on rumors of any incident where a report was
17 changed in a way that was dishonest or false?

18 A. I never saw it done. Certainly none of
19 mine ever were. I can say this, that there were a
20 couple of instances where a supervisor -- and I
21 don't want to say the supervisor, so just bear
22 with me -- but came to me and said the sheriff
23 wants to kind of insulate himself and would like
24 this DWI to disappear based upon a political
25 whatever, do you care? And usually we had a DWI

1 unit who a lot of times I was not big into writing
2 DWI's, so I would make an initial traffic stop,
3 determine that there was probably, you know, an
4 offense that was taking place based upon the BAC,
5 whatever, called for one of the DWI units who then
6 would obviously take the case over from there and
7 write it in full, whatever.

8 But being the initiating officer I would
9 be asked, and unless they were ignorant or there
10 was something specific to that stop where I did
11 not want something to take place, I a couple of
12 times said I don't care as long as I'm not doing
13 it, you know, whatever.

14 Q. You were approached by a supervisor,
15 right?

16 A. Correct.

17 Q. I'm going to break this down. On more
18 than one occasion?

19 A. At least two I would say.

20 Q. Where you were the initiating officer
21 for a, some offense. And were both of them DWIs?

22 A. Correct.

23 Q. And the question that was asked of you
24 by the supervisor was --

25 A. One particular, and the other one just

1 hey, do you mind if this disappears. The other
2 one was specifically hey, the sheriff kind of, you
3 know, whatever, do you mind if this, take care of
4 this, do you care? I'm kind of being the
5 mediator, whatever, kind of doing the insulation,
6 whatever, that was basically the gist of what they
7 were saying, and do you mind, do you care. No
8 different than fixing a ticket. We all fixed
9 tickets. The first thing someone would do is call
10 you up and say hey, was that person a jerk to you,
11 were they an ass, did they do anything in
12 particular where you don't want this ticket fixed.
13 And, you know, we would fix tickets. We would say
14 no, I don't care, if that's a brother or that's
15 your cousin or your sister, your wife's sister,
16 whatever, it's kind of the same thing. But this
17 is in reference to DWIs, yes. And I said -- and I
18 basically gave it the green light and said I'm not
19 touching it, I don't want to do anything with it;
20 but certainly if it disappears at that point --
21 due to the fact it was a DWI usually you never
22 got, even though you initiated that, you never got
23 called in on it anyway. Once the DWI officer got
24 there, they basically took it over from there.
25 Basically you were never -- I don't think I was

1 ever called in as being the initiating stop on a
2 DWI case.

3 Q. Are you able to identify any particulars
4 about that particular stop where the information
5 you got Sheriff Neer wanted the DWI to disappear?
6 That is, when it occurred, where it occurred, who
7 the subject was?

8 A. I couldn't -- I mean, I'd have to
9 really, really dig. I don't know if I could ever
10 recall that.

11 Q. And there was a second incident that --

12 A. A couple of times I was asked to take
13 care of a DWI; hey, do you mind if this DWI
14 disappears, and, you know.

15 Q. What I was going to get at was you
16 described one time where you perceived it came
17 from the sheriff himself?

18 A. Correct.

19 Q. Was that every time or was that just one
20 occasion?

21 A. The two times that I can recall, the
22 other was just hey -- it was kind of inferred, the
23 sheriff wasn't mentioned, nobody was mentioned, it
24 was just kind of deferred, but hey, this is a
25 friend of somebody, political support or whatever

1 the case may be, do you care or whatever. You
2 know, I was offered Cardinals tickets on probably
3 at least one occasion, you know.

4 Q. In what context?

5 A. Not hey, you can have these Cardinals
6 tickets if you fix the ticket. It's just hey,
7 here's some Cardinal tickets in relation to --

8 Q. A traffic ticket or DWI?

9 A. Probably one of the DWIs.

10 Q. I think we started this discussion with
11 the question generally are you aware of any
12 instances when rules were not enforced. And is
13 there anything else you want to add to that?
14 While you're thinking, let me ask you another
15 question. Did your department have a policy
16 against you receiving gratuities from the public
17 specifically -- actually I've seen it work, a
18 police officer discount at a restaurant. Is there
19 a policy against that?

20 A. Yeah, I'm sure there's a policy that
21 obviously when you're getting bribed, that that's
22 obviously state law that you're not supposed to be
23 bribed. As far as the discount, I mean that was
24 standard practice that everywhere we went was
25 either eat free or half price or free sodas at

1 every gas station we went to. And everybody
2 partook in that. I mean the supervisors,
3 whatever, you know, everybody. So as far as
4 having a policy, I don't know if there was a
5 policy you weren't allowed to accept free food or
6 drinks or whatever. I mean, obviously taking
7 gifts in relation to a report written, I'm sure
8 that's, yeah, I'm sure that's against policy. But
9 not for sure.

10 Q. You described the culture of the
11 department consisting of -- and these are my words
12 so you correct me if I mischaracterize it -- but
13 consisting of I think you called them the good old
14 boys, the group that, for example, somebody who's
15 within the good old boys would be late for writing
16 a report or do something, that you would get
17 written up for but they wouldn't?

18 A. Correct.

19 Q. Okay. And that's just one example that
20 I think you've given. Was it your perception when
21 you worked at St. Charles County Sheriff's
22 Department that the lines between those two groups
23 were clear and well known to people in the
24 department? Specifically if you were within the
25 good old boys group, did they understand you were,

1 and if were you outside of it, did those people
2 understand they were outside of it?

3 A. Oh, yeah. It was both sides knew. And,
4 I mean, I was friends with both sides. And the
5 people that were, you know -- and a lot of them
6 were SWAT, you know, that you would tell them like
7 well this isn't right. Well, you're right, it's
8 not right. But if I say something it falls on
9 deaf ears. It takes someone like you saying it,
10 whatever. But that would never occur, that's the
11 whole point is that, you know, this side over here
12 would be left kind of fledging for themselves and
13 whatever, but yet they could do kind of pretty
14 much whatever they want.

15 Q. And you described a number of specific
16 instances where members of the good old boys group
17 were involved in events that had no consequences
18 or less consequences. You testified about that.
19 Are there any other incidents that you recall
20 since last time?

21 A. Well, I mean, you know, I do actually
22 have some things. To my knowledge like we talked
23 about Sergeant Streck and how he went downtown and
24 tore up a restaurant downtown and left a, how he
25 was in the FBI task force at the time and then

1 stalked a girl in St. Peters and shot a shotgun
2 through his car. And then he was out on SWAT
3 training and left his MP5 with full auto loaded
4 while Lieutenant Koch and somebody else were down
5 range. They were absolutely furious about that.
6 He then gets promoted to sergeant after all those
7 incidences. He then apparently sexually harassed
8 a female deputy within the department. Either she
9 was moved or he was moved. He then was given the
10 drug unit commander spot, which I think is where
11 he currently is now. And there may or may not
12 be -- this is just something that somebody told me
13 and I don't know -- but there may be new sexual
14 harassment allegations within the department or
15 outside the department.

16 MS. TEMPLE: Objection, hearsay.

17 A. But once again I can't confirm those at
18 this point. So routinely he was doing things
19 where he was promoted drug unit commander, you
20 know, but yet had a history of these incidences.
21 You know, talking about the alcohol, something
22 else that comes to mind is Mark Brown who has
23 since now passed away a couple years ago who was a
24 really bad alcoholic, had been in the sheriff's
25 department for 20-plus years; I don't know how

1 many times I was at the range with him in the lane
2 next to him and I could smell the alcohol on his
3 breath and he would routinely fail qualifying
4 because he was drunk. And the only reason they
5 eventually ended up getting rid of him was Captain
6 Kaiser got on a vehicle inspection kick because we
7 had new vehicles and his car was just stuff poured
8 down the side of the door or whatever. And then a
9 couple of times they made him take a breath test
10 and sent him home. I think they let him retire.
11 I don't think they fired him. Like I said he's
12 since passed away. But routinely I would say man,
13 I'm getting a contact buzz over here on my lane
14 from Mark, yet he's drunk as a skunk out here
15 qualifying and working the street every day.
16 Nobody -- the entire time I worked there, every
17 time I saw that guy there was alcohol on his
18 breath and I was under the assumption, you know, I
19 pretty much knew he probably was well over the
20 limit. Another big one too is, you know, I know
21 like, you know, like the SWAT thing, there was a
22 SWAT shooting where there was a subject in a
23 house, and to my knowledge he was by himself.
24 There was no hostage. He was in there by himself.
25 He had no visual, no contact of any kind within

1 the house. And at some point I think possibly
2 negotiators had been called. At some point
3 Lieutenant Koch ordered assault on the house. We
4 joked with Sergeant Ochs who was the first in the
5 house at the time saying I'm not going in it. If
6 there's no hostage in there and we think this
7 guy's armed and suicide by cop, I'm not going to
8 be the first one in the house and die for no
9 reason. Apparently when we got in the house he
10 had a gun to his throat. Sergeant Ochs shot a
11 shotgun beanbag round hitting him in the arm
12 causing his hand to flinch, shooting himself in
13 the head. Apparently the SWAT members outside
14 while family members were present were giving each
15 other high fives. And to my knowledge there was a
16 lawsuit and a payout on that. But I can't confirm
17 that. I just know that when we went to training
18 we would ask about it and Sergeant Ochs, well,
19 that's in litigation, I can't talk about it. Once
20 again, you know, my thing on that is why did they
21 go in the house, there was no reason for that.
22 There was other tactics that could have been used.
23 You know, was anybody reprimanded for that or
24 whatever? I don't know. But, you know, possibly.
25 I don't think I ever got drug tested while I was

1 there. I think there was possible steroid use. I
2 think there may even have been a couple people
3 using marijuana.

4 We talked about all these sexual
5 harassment things or whatever. You know, you
6 asked me last time about the culture from the
7 supervisors or the people that had been there for
8 a long time. There are stories like Lieutenant
9 McGuire in his patrol car drunk, got in an
10 accident while drinking in his patrol car. Once
11 again, just can't confirm it or not that he was.
12 Major Todd at the time, a deputy -- or I'm sorry,
13 a female dispatch or somebody within the
14 department filed a sexual harassment complaint
15 against him. They did not do a good
16 investigation, so obviously it went nowhere. When
17 they had a promotional process he did not test
18 number one in the promotional process, he wasn't
19 going to get the lieutenant spot, filed a
20 grievance and ended up getting promoted to
21 lieutenant. You know, so you hear things like
22 that. Once again these are the people that are
23 leading the department. What else?

24 There was a story too -- I could never
25 confirm this -- somebody kind of came to me in

1 confidence when my thing went down and said that
2 Larry Cannon -- I don't even know if he's still at
3 the department -- apparently went to a call. A
4 mother called up and said that he had
5 inappropriately touched her teenage daughter,
6 fondled her. I don't know what the complaint was.
7 He then got in an accident on a county motorcycle.
8 He was a county motorcycle officer. He got in an
9 accident and broke his leg, and then I guess they
10 just kind of swept it underneath the rug because
11 he was out for awhile. Once again, can't confirm
12 that. Somebody came to me in confidence right
13 about the time my stuff went on and said hey, Eric
14 Cannon, he gets a complaint that he fondled
15 somebody and it goes nowhere.

16 Q. (By Mr. Ryals) Go back to Lieutenant
17 Koch. You talked about his alcohol accident where
18 he almost hurt -- he did hurt himself out in
19 Wentzville. He has a son in the department, I
20 think it's a stepson or half son, Meyer. And he
21 got in a really bad accident out there by their
22 house near Incline Village and hurt himself really
23 bad. And Travis Jones who's no longer with the
24 department -- Travis Jones was one of our traffic
25 DWI gurus at the time -- wanted to write him a DWI

1 and I guess was basically told not to. Travis was
2 known for keeping copies of all his reports so
3 that if they disappeared that he had paperwork to
4 show that hey, this did happen. What's
5 interesting is he then got hired on with the
6 department. And once again I can't confirm this,
7 at one point he got in the drug unit. Whether he
8 was in the drug unit or prior to getting in the
9 drug unit, the SWAT team I heard did a search
10 warrant on a house and his uniform and gun were in
11 the house of the search warrant.

12 MS. TEMPLE: I'm sorry, I don't know who
13 we're talking about right now.

14 A. Meyers -- I forget his -- I don't know
15 his first name, James Meyers or Meyers. It's
16 Lieutenant Koch's, I believe it's a stepson, half
17 son. I forget what it is. But those are just a
18 few things.

19 Q. (By Mr. Ryals) Where's Travis Jones
20 now, do you know?

21 A. Travis is a very smart guy. He had a
22 master's degree. When I talked to him last he was
23 somewhere about the mid Minnesota prison system or
24 something. I don't know what, I don't know what
25 he was going to do but he had a master's degree.

1 He was actually flowing all around the country as
2 a traffic expert and they would actually fly --
3 no, he wouldn't flow all around the country. He
4 was asked to go to different places to be a
5 traffic expert. And I know that numerous
6 attorneys were actually bringing people om from
7 all over the country to try to refute his
8 testimony as a DWI DRE expert. So I don't know if
9 he -- I know he was talking about multiple
10 positions of going somewhere else, but I don't
11 know where it was.

12 Q. Anybody get in touch with him now?

13 A. I could make -- I mean, like I said, I
14 could maybe make a phone call to somebody, but I
15 don't know if --

16 Q. Would you kindly do that and see and
17 then pass it along to your attorney?

18 A. Okay.

19 Q. The one question I haven't asked you is
20 why is there this divide in the department between
21 those who have free rein and those who don't?

22 A. You know, I said before it's such a
23 shame because it has the potential to be the best
24 place to work in the metropolitan area. I mean it
25 does, it does based upon the things you can do and

1 the training, the multiple positions that you can
2 get. I think personally it's the leadership. It
3 always comes back to the leadership. It always
4 comes back to, you know, people getting positions
5 based upon the fact that they deserve it, not the
6 fact that this is somebody that, you know, these
7 favors and these sayings and whether people know
8 stuff about other people and they've got baggage
9 on them and, you know, they got that, I got
10 something on you, you got something on me and
11 these things that go way back. There's a lot of
12 that. There's a lot of that stuff that's gone
13 back multiple years of, you know, partying and
14 doing stuff together, and the old sheriff's
15 department when there was really nothing in St.
16 Charles County but the sheriff's department, it
17 was fairly rural. And so the leadership had all
18 been there through that. They've all been there
19 25, 30 years. And I think that a lot of that has
20 come into play. And so you've got a lot of that.

21 Whenever you have leadership that is
22 specific in one area, meaning Major Todd,
23 Lieutenant Koch are a very SWAT oriented; well,
24 guess what, they're going to take care of their
25 boys and they're going to take care of that unit.

1 And they're going to make sure they don't get in
2 trouble, and they're going to make sure that they
3 get what they want, and they're going to make sure
4 that they stay in the fugitive task force, and
5 they're going to make sure they get the positions
6 they want. And so it always comes back to
7 leadership.

8 You know, someone like me, like I said,
9 I come in and not overly intelligent, not overly
10 educated, intelligent enough to know and crafty
11 enough to know and have enough friends that tell
12 me stuff and talk about stuff and willing to call
13 them out on stuff and say -- I've never had a
14 problem with getting written up for things that
15 I'm doing wrong. Certainly correct me, write me
16 up, slap my hand, call me in the office and chew
17 me out; but I'll be damned if I'm doing my job and
18 I'm kicking ass and taking names and I'm putting
19 reports in and I'm out there doing what I'm
20 supposed to be doing which is going 100 miles an
21 hour protecting this county and answering calls to
22 the best of my ability to make sure that not only
23 that call is handled for that specific moment, but
24 that that incident may never resurface again based
25 upon the way I handled it at that moment, and I'll

1 be damned if this guy over here who doesn't do
2 shit, who doesn't do a damn thing, who doesn't
3 answer calls, who doesn't do any self-initiative
4 stuff, who's not out, everything is shiny, he's
5 got shiny boots and shiny buttons and he's on SWAT
6 or he's whatever, that he can go do something and
7 not get in trouble for it or get a specialty
8 position or get promoted or whatever. And so, you
9 know, there was me and a couple other people that
10 called them out on that. And they did not like
11 that. And I know that that infuriated Captain
12 Kaiser to no end, but I called him out on, you
13 know, different things, or Lieutenant Koch or
14 whatever the case may be. And they did everything
15 they could to make my life miserable over that
16 period of time.

17 Q. They, Koch and Kaiser?

18 A. Koch, Kaiser, you know, they're the
19 primary ones.

20 Q. You kind of talked about the strata
21 between lieutenants and captains and maybe Major
22 Todd as well. And you haven't really talked as
23 much about the sheriff. And, I mean, you've
24 described a couple incidents when you had direct
25 contact with them.

1 A. Right.

2 Q. But if you had to describe the
3 authority, not the legal authority but the
4 day-to-day practical authority who runs the
5 department, what would you say about that?

6 A. Well, in specific when you're talking
7 about the patrol division which is basically the
8 heart and soul of any department, it would have
9 been Captain Kaiser. I mean the sheriff certainly
10 oversees that and certainly, you know, makes
11 recommendations; but if he's out being political
12 and he's doing this and he's doing that, then it
13 pretty much falls to Captain Kaiser and Lieutenant
14 Koch to basically take care of whatever comes in,
15 you know, as far as patrol goes; as well as Simcox
16 for the detective bureau as well as Captain Hudson
17 for the administrative side or whatever the case
18 may be, and Major Todd for the specialty units,
19 bomb, SWAT team, drug unit -- not drug unit, bomb
20 unit, the drug dogs, you know, whatever the case
21 may be.

22 Q. I want you to complete your answer if
23 there's more to say about that.

24 A. I know like when -- I know, once again
25 hearsay, but I know when Swope took over, you

1 know, Neer didn't like the fact that, you know,
2 Swope was the sheriff and now here I've been here,
3 you know, I've been here 25, 30 years and I'm not
4 going to have this little punk tell me what to do
5 kind of what -- I think that was kind of what I
6 heard what his attitude might have been towards
7 that.

8 MS. TEMPLE: Move to strike,
9 speculative, it's insinuary (sic), inflammatory,
10 and it's not true.

11 A. But when he became sheriff then
12 certainly, you know, I think it's a power thing.
13 It's no different than the -- it's no different
14 than him basically pushing to make it a police
15 department. So he doesn't have to run anymore so
16 he can basically entrench himself in that
17 leadership with not having to fight for it, not
18 having to run for it, not having to show that he's
19 the leader.

20 MS. TEMPLE: Same objection.

21 A. Another thing that I've heard since this
22 all took place -- once again, this is just
23 hearsay, that there might be two active lawsuits
24 in reference to a ballot issue in reference to
25 that particular incident turning the county into a

1 police department as well as they lost. The
2 wording of it as well as another lawsuit maybe of
3 a missing ballot box that showed up towards the
4 end. So I don't know if those are true or not,
5 but that, you know, whatever.

6 Q. (By Mr. Ryals) All right. And talking
7 again about D.B. and the events that transpired
8 between you and D.B., you gave, you wrote a
9 statement, correct, and you also testified before
10 the grand jury; is that correct?

11 A. Correct.

12 Q. And if I asked you the same questions
13 that you were asked at the grand jury or if I
14 asked you questions that you responded to when you
15 wrote the statement, would your answers be any
16 different here today about the event?

17 A. Other than I haven't, I haven't read
18 those particular documents over in a while; but
19 no, they would --

20 Q. Okay.

21 A. -- be the same.

22 Q. Well, why don't you, rather than have
23 you read it and confirm it, why don't you just
24 tell me after you made the traffic stop, between
25 the time you stopped her and she left the scene,

1 what occurred?

2 A. In generic form I would say once again
3 came up, it smelled, you know, intoxicating odor
4 of alcohol, so I knew she had been drinking. She
5 said she had come from the Monkey Bar. So --

6 Q. Did you know that, that she had come
7 from the Monkey Bar?

8 A. Well, remember when I told you that when
9 vehicles left the lot I followed several vehicles
10 out of the lot, they all headed that direction.
11 So I pretty much figured that maybe she had come
12 from there.

13 Q. Okay.

14 A. Had she not made that abrupt pullover, I
15 was going to get on 40 westbound and head home.
16 She made that abrupt turnover, whatever, and I
17 decided to pull her over. I smelled the alcohol
18 obviously. I asked her if there was anything in
19 the vehicle. I don't recall if she said there was
20 anything in vehicle or not initially. I had her
21 get out and do some just preliminarily tests, you
22 know, PBT test -- not PBT test. I had a portable
23 breath test in my vehicle, so I had her give her
24 ABCs. She gave them forwards and backwards.
25 Which like I said she gave them forwards and

1 backwards. I gave her the PBT. I think she was a
2 .02, so well under the legal limit in the State of
3 Missouri. At some point I went to search the car;
4 and based upon the fact that she had been drinking
5 or whatever, I don't know if she gave me
6 permission, I don't recall, but I think at some
7 point she said she had drugs in the console. So I
8 located what she said was hash. It ended up being
9 marijuana. I believe I found a pipe. Once again
10 I don't recall all the stuff that I found. I
11 found stuff in her possession. I went back to my
12 vehicle. Sitting in the car, she was obviously in
13 the back seat, the back seat not handcuffed. I
14 ran her through the computer once again to check
15 for her license status as well as any wants or
16 warrants, write some information down. At that
17 point, you know, she's freaking out, making
18 numerous comments that, you know, I can't pay for
19 a DWI, I can't do this. She then started making
20 references to how can I get out of this, whatever
21 the case may be. I had decided, you know, based
22 on my investigation at that point, I was trying to
23 -- she even had a camera in the car that she said
24 I could look at. So I checked the camera trying
25 to see if there were any pictures from inside the

1 Monkey Bar to see if there was any drug issues
2 inside the bar. She offered me money to not write
3 her. Obviously -- she worked at a restaurant, she
4 offered me free food in reference not to write
5 her. Once I determined that there was really no
6 major connection with the Monkey Bar, I determined
7 that I was probably going to, you know, let her
8 go. At that point, once again, she's -- and this
9 entire time she was making references, and
10 obviously they were becoming, progressing more
11 into sex for letting her go, whatever. She then
12 showed herself. When I went to release her from
13 the vehicle, like I said she showed herself, at
14 which point she kind of went for my crotch area,
15 unzipped my zipper. And at that point I basically
16 said what are you doing and step away from it.
17 And at that point I released her from the scene.

18 Q. Never charged her?

19 A. Never charged her, no.

20 Q. We talked about your friend, Christopher
21 Hunt, Deputy Hunt?

22 A. Yes.

23 Q. And I think the record will reflect that
24 he was actually found guilty of a felony and he, I
25 think it's fair to characterize, has the

1 unqualified support of the sheriff.

2 MS. TEMPLE: Objection, that's
3 speculative --

4 MR. RYALS: Go head, I don't want to
5 interrupt your objection.

6 MS. TEMPLE: It's speculative and I move
7 to strike whatever question you're about to ask
8 with that preceding.

9 Q. (By Mr. Ryals) The sheriff posted
10 Deputy Neer's (sic) bond, his appeal bond,
11 correct?

12 MS. TEMPLE: Objection, that is not
13 true. It's hearsay. He wouldn't know. He wasn't
14 there when the bond was posted.

15 A. Correct.

16 Q. (By Mr. Ryals) Correct?

17 A. Correct.

18 Q. And Deputy Hunt --

19 A. My dad was actually going to post it and
20 they went ahead and posted it prior. My dad was
21 going to post it for him.

22 Q. Okay. And Deputy Hunt is still, as far
23 as you know, employed and --

24 A. Yes.

25 Q. -- working at the sheriff's department,

1 albeit behind a desk?

2 A. Correct. And he has appealed through
3 the Missouri Supreme Court.

4 Q. Okay. He stands found guilty convicted
5 of a felony. You weren't convicted of anything,
6 they were going to fire you if you didn't resign,
7 yet he stays employed. Why -- do you have an
8 explanation for why the two of you were treated
9 differently?

10 MS. TEMPLE: Objection, calls for
11 speculation.

12 A. I thought a lot about it. You know,
13 Chris and I talked about it. Once again, it is
14 what it is. And, you know, although there are a
15 lot of similarities, the circumstances are
16 different in a lot of ways based upon the cases,
17 so it was apples to oranges type thing.

18 Q. (By Mr. Ryals) Yeah.

19 A. But once again, the totality of the
20 charges against those other four detectives versus
21 me were -- I mean, I was charged with a
22 misdemeanor, and they were charged with felonies,
23 multiple felonies. I don't know. I don't know if
24 it was county versus county power thing. I don't
25 know, I don't know. I don't know if just -- you

1 know, I stand behind Chris. I think it was
2 wrongly, they were wrongly convicted. I mean I'll
3 go to my grave saying he was wrongly convicted.
4 It's a sad situation. It's once again because of
5 the circumstances of the fact that they feel like
6 he was wrongly convicted and, you know, that hey,
7 you know, who's to say that he didn't see the meth
8 head sitting in the window. You can't tell. Just
9 because you guys didn't see him doesn't mean he
10 didn't see him. So once again it's hard to say
11 why, you know, but -- I don't know.

12 Q. Go ahead.

13 A. I was going to say certainly there was
14 discussions I know with my incident that said
15 well, why isn't she going to get charged with
16 narcotics. She came in and, yeah, those are my
17 drugs and I had the drugs. And why she wasn't
18 charged with a crime as well in relation to that
19 incident. The prosecutor didn't feel like he
20 wanted, you know, retroactive, you know, with the
21 fact that well, she's coming in with a complaint,
22 we're not going to charge her with that crime
23 versus saying that I guess a lot people felt like
24 she should have been charged with that incident as
25 well. So that's the only thing I was going to say

1 in reference to my incident.

2 Q. With you and Deputy Hunt, there are two
3 incidents of complaints against a St. Charles
4 County deputy. They both resulted in criminal
5 charges, you a misdemeanor, and he a felony. One
6 of you resigned under threat of being terminated,
7 and the other is still employed there. Are you
8 aware of any other deputies with the same or
9 similar circumstance as what I've just described
10 as applying to you and Deputy Hunt?

11 A. There's numerous people who have left
12 there under not the best of circumstances. One
13 person -- and I don't know if this will apply or
14 not, I'll just throw it out there -- Kary Kamp was
15 a really good worker, one of the top three, four
16 DWI -- he wasn't even a DWI, you know, attached to
17 their DWI team or whatever, but one of the top
18 three DWI writers, wrote dope cases. I mean he
19 was once again very active. He was a little
20 strange, but I liked Kary. I know you could count
21 on him. Like I said, he was a really hard worker.

22 There was an incident one night where a
23 kid had, I don't know if he had assaulted his
24 girlfriend and his grandmother, just this little
25 punk or whatever; but he took the keys to the car

1 so the girlfriend couldn't leave the house. And I
2 think Kary, they were kind of -- he kind of moved
3 down to the end of the court, it was a little dark
4 and like, look, I need to know where the keys are,
5 she needs to leave, this is ridiculous or
6 whatever. The kid wouldn't tell him. I think he
7 gave him a mandibular pressure point behind the
8 ear. He ended up leaving a nail mark where I
9 guess the nail kind of poked in there. And he was
10 subsequently -- he was subsequently fired over
11 that. And another deputy didn't see it, but said
12 he moved down to the end of the -- he said he
13 moved his car down to the end of the lane. There
14 was a whole bunch of stuff that went on with that.
15 The deputy left him a voicemail. That deputy got
16 written up. The deputy that said that Kary moved
17 down the street, that deputy left him a voicemail
18 basically, you know, why did you do -- you know,
19 you rat, or why did you do that or whatever. He
20 was subsequently written up, you know. And I know
21 that that's another reason why Kaiser like while I
22 was sitting in house while my investigation was
23 going on -- I think while my investigation was
24 going on -- the kid didn't want to come in and
25 complain. The kid did not want to file a

1 complaint, did not want to whatever. Captain
2 Kaiser actually called that kid and said you're
3 coming in. And the kid's like, I don't want to
4 come in. Captain Kaiser went and got him because
5 he didn't like Kary. Once again this is about he
6 didn't like Kary Kamp. He got the kid and made
7 him come in, fill out paperwork, whatever. I
8 think Kary ended up going to the, I don't know
9 what you call it, the review board or the county
10 oversight or whatever. And he ended up getting
11 fired for it or whatever. So I don't know if Kary
12 had write-ups, you know, numerous write-ups or
13 complaints, I don't remember, you know, what his
14 -- I just know as far as productivity as far as
15 what I consider good police work, his productivity
16 was definitely up there. But he was not charged
17 with anything, was not charged with a crime or
18 whatever.

19 Q. Any other instances you can think of?

20 A. Not at the moment. I'm trying to
21 recall. Like I said, there was a lot of people
22 that came and went, and even now there's so many
23 people that have come that are new that I'm just
24 trying to think. I can't think of anything right
25 now.

1 Q. All right.

2 MR. RYALS: Well, thank you, that's all
3 the questions I have.

4 THE WITNESS: Okay.

5 **EXAMINATION**

6 **QUESTIONS BY MS. TEMPLE:**

7 Q. I have some questions for you. Who
8 offered you Cardinals tickets for forgiving a DWI?

9 MR. RYALS: Objection,
10 mischaracterization. Please rephrase your
11 question.

12 Q. (By Ms. Temple) You can answer.

13 A. I don't recall.

14 Q. Who offered you tickets for taking care
15 of a DWI?

16 (CERTIFIED QUESTION.)

17 A. I don't -- I don't recall at this time.

18 Q. You choose not to recall or you don't
19 know?

20 A. I really don't recall. I just know that
21 --

22 Q. What supervisor came and asked you if
23 you cared that the DWI disappeared?

24 (CERTIFIED QUESTION.)

25 A. I don't recall that either.

1 Q. Sir, before you said I know his name, I
2 just don't want to say it.

3 A. Okay. But I'm saying now --

4 Q. So what is his name? Did you hear the
5 question?

6 A. I did. I'm just --

7 Q. Do you understand the question?

8 A. Uh-huh.

9 Q. Are you refusing to answer the question?

10 A. I'm not refusing at this time. I just
11 don't recall.

12 Q. Okay. We'll have to certify that
13 question if you don't want to answer it today.

14 A. Okay.

15 Q. And the same for the Cardinals tickets,
16 did you hear the question?

17 A. I did hear the question.

18 Q. Did you understand the question?

19 A. I did understand the question.

20 Q. And are you refusing to answer that
21 question?

22 A. I'm not refusing at this moment, I just
23 don't recall who offered me Cardinals tickets.

24 Q. Okay. We'll certify that question for
25 the judge too to decide whether or not you need to

1 answer it.

2 A. Okay.

3 Q. Who was the deputy who lost his gun when
4 it was on the hood of his car?

5 A. Deputy Cochran, Jerry Cochran.

6 Q. What deputy had drugs in his car for
7 three weeks without putting them into evidence?

8 A. I didn't say drugs, I said evidence for
9 approximately three weeks. I don't remember the
10 -- I don't think that deputy is even there
11 anymore, but I don't recall his name. There was
12 numerous incidences where people had evidence in
13 their trunks for certainly longer than the shift
14 they were supposed to turn in on. And I know like
15 I said one -- one I think he particularly got in
16 trouble because that was one of the things about
17 him was I think that he was coming to work with
18 alcohol on his breath. When they got in his trunk
19 he had evidence in his trunk and it had been in
20 there for a month. He's no longer there.

21 Q. I'm asking you about the deputy that you
22 were talking about before who routinely kept
23 evidence in his car for three weeks.

24 A. I don't recall saying routinely. What I
25 said was that I know there was a particular

1 incident, but I don't recall whatever somebody
2 said. I know somebody said -- we were talking
3 about getting into trouble for having evidence in
4 our car, and this deputy said I've had stuff in my
5 --

6 Q. Who was that deputy?

7 A. I don't recall.

8 Q. What did he look like then?

9 A. Ma'am, there was numerous deputies over
10 seven years. It's been six years since I left
11 that department. I don't recall who that was.
12 These are things that have just come to me that
13 are conversations that I know I had with people
14 that did take place. But so many times --

15 Q. Do you have a way to corroborate what
16 you're saying?

17 A. Apparently not on this question, no.
18 You won't be able to corroborate this question,
19 no.

20 Q. Would we be able to corroborate who
21 offered you Cardinals tickets?

22 A. No, not offered me Cardinals tickets,
23 no. I do not even recall who that was.

24 Q. So did you make it up?

25 A. No, I did not make it up.

1 Q. Okay. Would we be able to corroborate
2 who was the go-between between the sheriff and you
3 for a DWI to disappear?

4 A. I'll have to think about it. At this
5 time I don't recall who that is.

6 Q. But the question was would we be able
7 corroborate that?

8 A. I don't know. If that person doesn't
9 say that they did it, I don't know how you're
10 going to corroborate other than me saying that
11 they did it. If this person, whoever it may be,
12 if I can ever recall it, if they don't admit to
13 it, then I don't know how you're going to --

14 Q. Did you utilize discretion in your job
15 as a patrol officer on a day-to-day basis?

16 A. Did I have discretion?

17 Q. Did you use discretion?

18 A. At times.

19 Q. Did you use discretion when you chose
20 not to charge D.B. but let her go for marijuana?

21 A. Yes.

22 Q. Did you use discretion in calling out
23 when you would say you were going to do this or
24 that? You said people didn't always do it. Did
25 you utilize discretion in that instance?

1 A. I did. But I also believe at that time,
2 like I said, I made reference to the fact that on
3 times when we didn't call it might be because of
4 radio traffic or whatever. I also believe that at
5 that time that I pulled her over, not that I can
6 recall whether there was radio traffic going on,
7 but initially I did not call out due to other
8 radio traffic. I jumped out on the traffic stop.
9 And then, you're right, during the traffic stop I
10 did not call out after I had secured the scene
11 other than making the information known through my
12 computer system.

13 Q. Did you use discretion in making that
14 decision?

15 A. Yes.

16 Q. Did you use to use discretion when you
17 would run lights and sirens to go to an accident
18 or to respond to a call and going through the red
19 lights?

20 A. Per my training and also some department
21 policy and memorandums based upon how we were
22 going to drive to a scene, how fast we were going
23 to drive and use of our lights and sirens, yes.

24 Q. So you used discretion in those cases
25 too?

1 A. Yes.

2 Q. Mr. Ryals was in my opinion trying to
3 make it seem like the policy was that you had to
4 call out. And my question to you is did you have
5 discretion in how you handled your day-to-day
6 traffic stops?

7 A. No. I can't confirm that it was policy,
8 but I'm pretty sure that it was you had to call
9 out.

10 Q. Then why didn't you call out? Why are
11 you upset that you got in trouble for not calling
12 out if you were supposed to?

13 A. Ma'am, I'm not upset. I'm just speaking
14 the truth now to let you know that based upon
15 being at the sheriff's department for seven years
16 that I began to do things based upon what the
17 department was doing, what was accepted practice,
18 and what I felt comfortable doing. And when I saw
19 supervisors do it, when I saw other people do it,
20 when I rolled up on supervisors and other deputies
21 who were on traffic stops who had not called out,
22 it became -- I didn't like doing it because a lot
23 of times I didn't normally do it because normally
24 when I was making traffic stops I was on a hot
25 call or doing drug investigations. So most of the

1 time I did call out because, guess what, I usually
2 had four people in the car on a dark desolate
3 highway and I wanted somebody to come and back me
4 up because I'm not made of stone.

5 There were particular instances though,
6 like I said, based on radio traffic, nature of
7 call, location you were at, traffic stop or
8 whatever the case may be where you might not call
9 out initially. I know there was times we made
10 contacts and never called out at all based upon
11 those things I just talked about.

12 Q. And that is why you used discretion; is
13 that correct or incorrect?

14 A. Once again it doesn't mean --

15 Q. Sir, is it correct or incorrect?

16 A. -- that I was supposed to do that.

17 Q. (By Ms. Temple) Is it correct or
18 incorrect that you used discretion?

19 A. I did what I felt the department would
20 accept.

21 Q. Do you understand the word discretion?

22 A. I do understand the word discretion.

23 Q. What is your understanding of the
24 definition of discretion?

25 A. I'm not -- I don't need to give you --

1 if you want me to give you the definition of
2 discretion, I'll say that's --

3 Q. No, sir. You're not answering the
4 question.

5 MR. HOOD: Objection. I think we're
6 misunderstanding each other here, and I think that
7 you're working at something. Maybe if you
8 rephrased your question, it would be more
9 understandable to him and you could get an answer
10 that is legitimate for what you want.

11 MS. TEMPLE: Okay.

12 Q. (By Ms. Temple) My question now is what
13 is the definition of discretion.

14 MR. HOOD: He's not a dictionary.

15 MS. TEMPLE: He said that he used
16 discretion in making callouts or not making them.
17 So I need to know what his mindset of discretion
18 was in making those decisions.

19 MR. HOOD: Maybe he needs to understand
20 what discretion means in your head because
21 otherwise he doesn't understand the question
22 you're asking.

23 MS. TEMPLE: Well, that's why I need to
24 ask his --

25 MR. HOOD: We're going back and forth on

1 this. You want a definition of discretion from my
2 client?

3 MS. TEMPLE: The discretion that he
4 utilized on a day-to-day basis, yes.

5 MR. HOOD: Do you have the departmental
6 definition of discretion?

7 MS. TEMPLE: I'm not asking him for
8 that.

9 MR. HOOD: I'm asking that.

10 MS. TEMPLE: I'm asking him for his
11 discretion. Sir, it's up to you to do your own
12 discovery.

13 MR. HOOD: I see. Sure, give her a
14 definition of discretion.

15 A. My opinion of discretion working at the
16 St. Charles County Sheriff's Department was that
17 based upon the training I had received, the
18 accepted practices of the sheriff's department,
19 that I would make a decision based upon those
20 things, based upon accepted practice that may go
21 against policy, but once again was accepted and
22 something that became routine; that I made
23 discretion, I made that decision and make that
24 decision based upon the fact of how I went, how I
25 and the people around me went about doing

1 day-to-day business.

2 Q. (By Ms. Temple) Did you take into
3 consideration your training and education when you
4 made those decisions?

5 A. Your education in the police academy is
6 basic, it's basic information about just becoming
7 certified as a police officer. When you get to
8 the department and that department has its own
9 sets of procedures, policies, common practices,
10 whatever, you mold yourself into what your
11 department does want you to do or whatever. So
12 based upon the fact that when I was at the
13 St. Charles County Sheriff's Department, I did
14 based on what those things were.

15 Q. Did that differ from what you were
16 taught in the academy?

17 A. I just said the academy doesn't teach
18 you policies, individual policies, procedures, and
19 accepted practices because they're not a
20 department. They're just teaching you general
21 information on law, on Mace, on verbal judo,
22 whatever the case may be. They're not specific to
23 each individual department which has its own set
24 of policies, rules and accepted practices. That's
25 what you go by.

1 Q. Did St. Charles County Sheriff's
2 Department differ from Breckenridge Hills?

3 A. In some cases, yes; in others, no.

4 Q. What?

5 MR. RYLES: So was the question why?

6 MS. TEMPLE: What.

7 A. Well, I mean just the basic things of
8 size, the fact that you didn't have to take home
9 vehicles, the fact that they didn't have specialty
10 units other than a detective bureau, the fact that
11 I had to keep a log, a daily log of my traffic
12 stops and tickets and case numbers pulled and
13 written, the fact that we didn't have our own
14 jail, the fact that we didn't have our own
15 dispatch center, we went through St. Ann.

16 Q. (By Ms. Temple) Were you allowed to
17 accept gratuities at Breckenridge Hills?

18 A. Ma'am, you were never allowed to accept
19 -- you're not supposed to ever accept a lot of
20 gratuities except for, once again, free food, free
21 drinks, free coffees. You know, I guess if you're
22 saying accept free gratuities, then yes, that was
23 a common practice at all three departments that I
24 worked in.

25 Q. Would sexual favors be considered a

1 gratuity in your opinion?

2 A. Yes, ma'am.

3 Q. Did D.B. offer you a sexual favor --

4 A. She did.

5 Q. -- in exchange?

6 A. She did.

7 Q. Did you accept that favor?

8 A. No, I did not.

9 Q. You did not ask her to touch herself as

10 alleged in the complaint?

11 A. No, I did not.

12 Q. Did you allow her or ask her to fondle

13 you, your private area, as alleged in the

14 complaint?

15 A. No, I did not.

16 Q. Why were you fired then?

17 THE WITNESS: May I tell her?

18 A. Well, as you know I wasn't fired, I was

19 pressured into resigning. So I wasn't actually

20 fired, I was pressured into resigning. If I

21 didn't resign, I would have been fired. Ma'am,

22 for the fact that I have never lied about this

23 incident from day one to the point where I openly

24 came into St. Louis County and spoke openly, the

25 fact that my statement in the sheriff's department

1 and the statement in St. Louis County and
2 everything that I've talked about from day one has
3 been the same; I have not wavered from that. The
4 recommendation of my attorney was that because of
5 the one statement you made or the one sentence you
6 made, when you go into a court of law especially
7 as a police officer it's a 50/50 gamble. And with
8 my wife and kids, I was not willing to put that on
9 the line to possibly go to prison when I was being
10 offered --

11 Q. What --

12 A. When I was being offered -- let me
13 finish my statement. When I was being offered a
14 misdemeanor, SIS, was off my record, unsupervised
15 probation, and basically the loss of my job. When
16 I weighed that out, I talked with my wife and
17 family -- they were the only thing that mattered
18 at that point -- the decision that we made
19 collectively was to take that deal versus taking
20 the risk of going to court and always running the
21 chance of being found guilty and going to prison.
22 So that's why I did what I did.

23 Q. What was that one statement?

24 A. I don't even remember what the statement
25 -- just the tail end of my -- I don't even

1 remember what it was. Just the point that I was
2 honest to the point where I never tried to hide
3 anything. I openly came into St. Louis County. I
4 could have gone in there and said nothing, said I
5 got no statement, I got nothing to say to you, do
6 what you got to do. The fact that I went in there
7 and openly gave a statement right there says that
8 I've hid nothing from day one of this
9 investigation, of this incident, not one thing.

10 Q. Okay. Then I'm not understanding. So
11 you're saying that you did not accept the gratuity
12 from this woman; is that correct?

13 A. That's correct.

14 Q. But you pled guilty to what?

15 A. I pled guilty to acceding to corruption.

16 Q. Would that be -- what was the acceding
17 to corruption?

18 A. Since you're going to ask me this
19 question I'll just tell you this: That I was told
20 by my attorney that when St. Louis County
21 investigator who led this investigation went into
22 Jack Banas's office -- he's the St. Charles County
23 prosecutor -- with his write-up, and it was a
24 sexual crime, which is what he wrote the paperwork
25 up as, Jack Banas wanted to charge with acceding

1 to corruption. And the detective even said that
2 doesn't fit what the incident is that took place.
3 And under the advisement of my attorney, I only
4 accepted -- I did not want the wording -- it was
5 an Alford plea, I did not want the wording of --

6 Q. You took an Alford plea?

7 A. I did. Because I did not want -- I did
8 not want the wording of acceding to corruption on
9 there because I didn't accept, I didn't accept the
10 gratuities as far as acceding to corruption. But
11 unfortunately in order to get the deal, I had to
12 have that wording left in there. So, yes, I was
13 not happy about acceding to corruption because
14 that's not what happened.

15 Q. The regional drug task force was
16 detached from St. Charles County, isn't that
17 correct?

18 A. It's not detached from anywhere. It's
19 all the departments within St. Charles County that
20 make up the task force.

21 Q. Right. But it's not an entity of
22 St. Charles County government; is that correct?

23 A. Other than I don't think the other -- I
24 don't think -- I don't know if the unit -- I don't
25 know if the other departments could form a drug

1 task force without the sheriff's department and
2 get the grant without the sheriff's department
3 being involved or St. Charles County being
4 involved. And the fact that the county had it
5 written in there that at all times they will have
6 a supervisor, one supervisor within the drug task
7 force. You're right, I don't know the particulars
8 of any more than that.

9 Q. Okay. The regional drug task force does
10 not work for St. Charles County government, isn't
11 that correct?

12 MR. HOOD: Objection, this is
13 speculation. Would you know that?

14 Q. (By Ms. Temple) You were on the drug
15 task force, weren't you?

16 MR. HOOD: You were on the task force as
17 an officer. He wasn't on the task force as an
18 organizer or administrator.

19 MS. TEMPLE: I didn't ask him if he was.

20 MR. HOOD: But you're asking him for
21 knowledge that's outside --

22 MS. TEMPLE: And we haven't speculated
23 at all throughout this thing?

24 MR. HOOD: And you made your objections
25 about it, didn't you?

1 Q. (By Ms. Temple) Subject to the
2 objection does the regional drug task force work
3 for St. Charles County government?

4 A. I would say that the St. Charles County
5 Regional Drug Task Force works for every
6 government within the confines of the St. Charles
7 County boundaries, all the departments and cities.

8 Q. How long did you work for St. Charles
9 County government in the sheriff's department?

10 A. I was employed at the sheriff's
11 department for I believe a little over seven
12 years.

13 Q. The power shift -- which could also be
14 called the fourth shift, isn't that correct?

15 A. Correct.

16 Q. Was denoted as the power shift only
17 because of the hours, not any special assignment
18 like the drug task force, like the drug
19 interdiction team; isn't that correct?

20 A. With the emphasis on not answering calls
21 and being assigned to a zone and having free rein
22 to go do what we want as long as there was no
23 calls for service where we needed to step in and
24 assist with calls for service.

25 Q. It was denoted as the power shift

1 because it encompassed two shifts so the county
2 would not be unguarded during shift changes; isn't
3 that correct?

4 A. That was one of the reasons, yes.

5 Q. And because 6:00 p.m. is when most
6 people generally get home from work, and that's
7 when criminal activity was likely to start or you
8 would likely get called?

9 A. Correct. We were there to help with the
10 influx of criminal activity to go out and seek out
11 that criminal activity and enforce it.

12 Q. You were a normal patrol deputy, isn't
13 that correct?

14 A. I was a patrol deputy, yes.

15 Q. The power shift was not organized like
16 the SWAT team, was it?

17 A. When you say organized, we were
18 designated to be on that shift. So I don't know
19 what -- I mean, you're right, there was no
20 additional training to be on the power shift or
21 fourth shift, no.

22 Q. And there was no commander like there is
23 at the SWAT team?

24 A. No. I had -- whatever supervisor was on
25 either shift was my supervisor at that time.

1 Q. And the power shift was not organized
2 like the bomb squad?

3 A. Ma'am, once again, the power shift was
4 no additional training beyond just your regular
5 patrol deputy training.

6 Q. Your previous testimony on May the 2nd,
7 you referred to the drug task force as the
8 St. Charles County Drug Task Force. It's the
9 regional drug task force, isn't that correct?

10 A. St. Charles County Regional Drug Task
11 Force.

12 Q. That's your understanding of what the
13 name of the entity --

14 A. That was the name of it when I left. If
15 it's changed, I have no idea; but that was the
16 name.

17 Q. Were you ever in a squad car with Ryan
18 Streck?

19 A. If I was, I don't recall.

20 Q. So you don't know for sure that he was,
21 quote, driving around in his car playing with the
22 trigger of his shotgun when a hole went through
23 his engine block; is that correct?

24 A. No, I was not in the car with him when
25 he shot his shotgun through his car into his

1 engine block. I was not in the car with him when
2 he did that.

3 Q. And you don't know whether or not he was
4 disciplined for his shotgun discharging, do you?

5 A. Yeah, I don't know what the discipline
6 was, no, if there was any.

7 Q. Lieutenant Koch -- and that's K-o-c-h --
8 did get in a motorcycle accident. That was off
9 duty however, wasn't it?

10 A. That's correct.

11 Q. And was it a department-issued vehicle?

12 A. No, it was not.

13 Q. Were you at St. Joseph's West Hospital
14 when he arrived there?

15 A. No, I was not.

16 Q. So you don't know for a fact that
17 Lieutenant Koch was under the influence of alcohol
18 when the accident happened; isn't that correct?

19 A. Yeah, other than hearsay and information
20 being told me that his blood alcohol content was
21 over the legal limit, over the limit.

22 Q. It was mere hearsay?

23 A. Correct.

24 Q. Detective Weston Cox's weapon was stolen
25 when his home was burglarized. It had nothing to

1 do with drinking, did it?

2 A. I don't know about that particular
3 incident. Once again, the conversation of the
4 things that I had heard was that he had lost
5 several handguns from people that may be
6 affiliated with the range that he had lost several
7 handguns. So whether that particular handgun was
8 stolen out of his house when it was burglarized, I
9 don't know, I'm not aware.

10 Q. In your May 2nd testimony you mentioned
11 that Sergeant Ochs, O-c-h-s, was speeding back
12 from Jeff. City running lights and sirens because
13 he wanted to get back quickly. You don't know
14 whether or not he received progressive discipline
15 or not, do you?

16 A. I don't know if there was any discipline
17 or not; no, I do not. Probably some now.

18 Q. St. Charles County has a merit system
19 which you were talking about with Kary Kamp -- and
20 that's two k's, Kary and Kamp -- which employs
21 progressive discipline; isn't that correct?

22 A. I believe. I'm not for sure on the
23 merit system; but if you're saying so, then yes.

24 Q. The first step in progressive discipline
25 is counseling or as you have put it talked to,

1 isn't that correct?

2 A. Okay.

3 Q. Previously you testified you never
4 received any specific training as to the contents
5 of your department's policies. You received that
6 training during your orientation and probationary
7 period, didn't you?

8 A. I don't think that at that time -- I
9 don't think at that time when I came into the
10 department, I don't think that that was, that
11 reading over the entire policy and all the new
12 policies that came in was part of the training. I
13 think it is now, but I don't think it was when I
14 went through, I'm not for sure.

15 Q. So it is now under Sheriff Neer, but it
16 wasn't when you came in under Sheriff Salters; is
17 that what you're saying?

18 A. But I was under Sheriff Neer for part of
19 that time as well. I think he came in during
20 Sheriff's Neer's tenure.

21 Q. It was your duty and responsibility as a
22 deputy in the department to remain current on
23 policies and procedures of the sheriff's
24 department?

25 A. Once they started giving you the new

1 policies and made you sign for them. I believe
2 before that it was you may get it, you may not get
3 it.

4 Q. And Sheriff Neer had it so that you
5 signed for them, isn't that correct?

6 A. I don't know if Sheriff Neer had to sign
7 for them or we had to sign for them.

8 Q. I'm sorry?

9 A. I don't know if it was Sheriff Neer --
10 Sheriff Neer did not make me sign for it, but I
11 had to sign for whoever gave them to me.

12 Q. While Sheriff Neer was the sheriff, not
13 Captain Neer, but Sheriff Neer --

14 A. Towards the end of my tenure, yes, that
15 would have been Sheriff Neer that would have been
16 in charge of the department.

17 Q. And he required that you all sign for
18 them, isn't that correct?

19 A. I just said yes, we would have to sign
20 for the policies.

21 Q. And my question then was did you not
22 have to sign for them under Swope or Salters? I
23 just added Swope.

24 A. And I don't recall when it took effect,
25 I don't know.

1 Q. You've testified about dumping of
2 evidence into a dumpster, and I think that you
3 said that that was the drug task force team?

4 A. Okay.

5 Q. But it was the regional drug task force
6 that threw out the syringes and marijuana, not
7 St. Charles County deputies --

8 A. Supervised -- both are supervised by
9 St. Charles County supervisors.

10 Q. Did a St. Charles County deputy throw
11 out evidence?

12 A. Yes.

13 Q. Okay. Who threw out the evidence, who
14 threw out the syringes?

15 A. It would have been I think all of us.
16 Me --

17 Q. You threw out syringes?

18 A. Yes. That was our practice.

19 Q. Who else?

20 A. Anybody that was in the drug unit. I
21 don't recall. Maybe Sergeant Koester, I don't
22 know. I don't recall who else would have done
23 that. I just know that when I had syringes -- let
24 me rephrase that. When I had syringes, I would
25 actually take my syringes to Barnes-St. Peters

1 Hospital right down the road and actually have
2 them deposit them in their sharp container boxes.
3 Did I ever have evidence left over from meth labs
4 or whatever, we would throw in the dumpsters, yes.
5 When the syringes were thrown in, I did not
6 partake in that particular incident where the
7 syringes were thrown in. When we came back to the
8 office the next day and they were strewn
9 throughout the parking lot and a kid bicycling
10 down the street with a bong in his hand, I don't
11 know who threw those in the dumpster. But the two
12 supervisors in the drug unit were St. Charles
13 County supervisors supervising the drug unit and
14 their disposal of the evidence from our cases.

15 Q. Were there supervisors there when the
16 syringes --

17 A. I don't recall, ma'am. They were there
18 the next day when we came to work and they were
19 all throughout the parking lot, yes.

20 Q. So are you testifying that supervisors
21 in the sheriff's department allowed these syringes
22 and marijuana to be dumped?

23 A. Once again, whether they were there when
24 the dumping took place or whether they were aware
25 of it after the fact, they were aware of it.

1 Q. Okay. Did they allow it?

2 A. Ma'am, I just said I don't know if they
3 allowed it in the sense that they were there and
4 gave the directive or they just knew about it
5 after the fact. You know, like with the kid
6 bicycling down the street with a marijuana pipe, a
7 St. Peters police officer -- because our office at
8 the time was in St. Peters -- actually stopped the
9 kid and said what are you doing? He said I got it
10 behind the dumpster over there or whatever. At
11 which time it was brought to our attention. At
12 which time my our supervisor was like oh, crap,
13 you guys are just throwing whatever.

14 Q. Who was that supervisor?

15 A. At the time it would have been Sergeant
16 Koester. I don't know if it would have been
17 Lieutenant Tiefenbrunn. Probably Lieutenant
18 Tiefenbrunn would have been the supervisor.

19 Q. Who else was on the drug task force when
20 you were on there?

21 MR. HOOD: I would imagine all of that
22 information is available in the county records.

23 A. Correct.

24 MS. TEMPLE: Thank you.

25 Q. (By Ms. Temple) Who else?

1 A. Ma'am, I don't know. We had two teams.
2 When I initially went in there there were seven
3 people. And then we had a regular undercover buy
4 team. And then we actually had a meth team. And
5 so I don't recall all of names of the people that
6 came in out of the unit. I don't know. Like I
7 said, if you gave me a list of the people that
8 were in there, then I'm sure that the list is
9 accurate.

10 Q. When you interviewed to be a supervisor
11 you testified that Peggy Neer was on the interview
12 panel?

13 A. Correct.

14 Q. Sheriff Neer wasn't sheriff at that
15 time, isn't that correct?

16 A. I don't recall. I think he was the
17 acting sheriff. I think at that time Swope had
18 vacated the office and Captain Neer was then the
19 acting sheriff in charge of the sheriff's
20 department.

21 Q. Didn't Lieutenant Neer retire once
22 Sheriff Neer became sheriff?

23 A. Ma'am, I don't know what her retirement
24 was.

25 MS. TEMPLE: Thank you. I don't have

1 anything further of this witness at this time.
2 And we'll certify those questions that you refused
3 to answer.

4 MR. RYALS: Well, of course, the record
5 is going to reflect the words that were stated,
6 but he didn't refuse to answer anything. I mean
7 you can certify them if you want, take them to the
8 judge, but he said he didn't recall. So I don't
9 want to sit silently by while you mischaracterize
10 what's stated on the record. But I don't have any
11 other questions. You want to talk about
12 signature?

13 **EXAMINATION**

14 **QUESTIONS BY MR. HOOD:**

15 Q. Very briefly. Earlier to Mr. Ryals you
16 indicated that you were offered Cardinals tickets,
17 but did you not also say that it was not as a
18 payment for fixing a DWI?

19 A. Right. There was no -- there was no
20 you'll get these tickets if this happens. It was,
21 you know, hey, appreciate the other day, whatever,
22 and if you want, you know, whatever, you want some
23 tickets. So it was not take these tickets -- hey,
24 here's four tickets if you let me get rid of this
25 DWI. It came to me as do you care. My answer was

1 I don't care, my hands aren't on it, whatever.

2 Q. Okay. So the county counselor's
3 characterization of being given Cardinals tickets
4 to relieve a DWI --

5 A. Right. That I accepted tickets on
6 behalf of a lot of DWI's --

7 Q. That was incorrect then?

8 A. Right. This is just after the fact down
9 the road, hey, thanks, you know, or whatever.

10 MR. HOOD: Thank you. Nothing further.

11 **EXAMINATION**

12 **QUESTIONS BY MS. TEMPLE:**

13 Q. Who thanked you with the tickets?

14 A. Once again, I don't recall. It was just
15 generalization of saying whoever at the time it
16 came to me. Once again, I don't recall who it
17 was.

18 MR. HOOD: Finished?

19 MR. RYALS: I don't have anything else.

20 THE WITNESS: I'll waive.

21

22 (SIGNATURE WAIVED)

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REPORTER'S CERTIFICATE

I, DEBRA L. BURRIS, a Certified Court Reporter in and for the States of Missouri and Illinois, do hereby certify that, pursuant to agreement of counsel, the witness named above came before me and was by me duly sworn to testify to the truth and nothing but the truth; that the said examination was thereafter caused to be transcribed into typewriting; that this deposition is a true and accurate transcription of the testimony given by the witness as aforesaid.

BY THE AUTHORITY BESTOWED UPON ME, I have hereunto set my hand on this ____ DAY OF _____, 2013.

DEBRA L. BURRIS, MO CCR #789,
IL CSR #084.004545

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